

MORAY COUNCIL

Minute of Meeting of the Education, Communities and Organisational Development

Wednesday, 31 March 2021

remote locations via video conference,

PRESENT

Councillor James Allan, Councillor Frank Brown, Councillor Lorna Creswell, Councillor Tim Eagle, Councillor Claire Feaver, Councillor Aaron McLean, Councillor Shona Morrison, Councillor Laura Powell, Councillor Derek Ross, Councillor Amy Taylor, Councillor Sonya Warren

SUBSTITUTES

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APOLOGIES

Councillor George Alexander, Councillor Paula Coy, Councillor Walter Wilson

IN ATTENDANCE

Also in attendance at the above meeting were the Depute Chief Executive (Education, Communities and Organisational Development), Chief Officer, Health and Social Care, Head of Governance, Strategy and Performance, Chief Financial Officer, Head of Education, Head of Education Resources and Communities, Acting Head of Housing and Property, Corporate Parenting and Commissioning Manager, Robin Paterson, Senior Project Manager, Community Support Manager and Tracey Sutherland, Committee Services Officer.

Also present for Items 1 - 8 were Susan Slater, Secondary Teacher Representative, Anne Currie, Religious Representative and Nicola Belcher, Parent Representative.

Councillor Leadbitter was also present in an ex-officio role.

1. Chair of Meeting

The meeting was chaired by Councillor Aaron McLean.

2. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillors' Code of Conduct, there were no declarations from Group Leaders of 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 of the agenda.

3. Resolution

The meeting resolved 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 during consideration of the items of business appearing at the relevant paragraphs of this minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 Schedule 7a of the Act.

Para Number of the Minute	Para Number of Schedule 7a
13	1 and 11 Information relating to staffing matters Information relating to any consultations or negotiations in connection with any labour relations.
14	9 Information on terms proposed or to be proposed by or to the Authority.

4. Minute of Meeting of 3 February 2021

The minute of the meeting of Education, Communities and Organisational Development Committee of 3 February 2021 was submitted and approved.

5. Written Questions **

The Committee noted that no written questions had been submitted.

6. Analysis of Secondary School Leaver Attainment 2019-20

A report by the Depute Chief Executive (Education, Communities and Organisational Development) updated the Committee on the Interim Secondary School Attainment 2019/20 report from the meeting of 18 November 2020 (para 17 of the minute refers). The report included information from Scottish Qualifications Authority Senior Phase National Qualifications results generated from submitted estimates during the first national lockdown due to the Covid-19 pandemic.

Following consideration, the Committee agreed to:

i)	note the leaver attainment information of young people in Moray, with specific regard to the National Measures for leavers published on Insight in February 2021; and
ii)	notes the actions for improvement arising from the 2019/20 attainment performance.

7. Education Resources and Communities and Education Capital Budget Monitoring

A report by the Depute Chief Executive (Education, Communities and Organisational Development) informed the Committee of projects and proposed expenditure for Capital Budgets with Education Resources and Communities and Education for 2020/21.

Following consideration the Committee agreed to note the contents of the report.

8. Moray Early Learning and Childcare - Meeting Future Demand

A report by the Depute Chief Executive (Education, Communities and Organisational Development) informed the Committee of the demand for early learning and childcare provision in the Speyside, Buckie and Elgin Academy Associated School Group areas.

Following consideration, the Committee agreed:

i)	to note the pressure for early learning and childcare places in the Speyside, Buckie and Elgin Academy Associated School Group areas;
ii)	to note the actions taken by Officers and our partners to meet this demand; and
iii)	that further reports will be submitted to this Committee in relation to the specific plans to address the demand for early learning childcare places.

9. Social Recovery through Locality Planning

A report by the Depute Chief Executive (Education, Communities and Organisational Development) asked Committee to consider how locality planning can contribute to social recovery in Moray, taking account of the strategic aims set out in the Moray Council corporate Plan and the Strategic Framework for Recovery and Renewal in Moray, the learning from the pilot Community Planning Partnership (CPP) Locality Plans, and the strengthening of Community Anchor Organisations as a result of the Covid-19 pandemic.

Following consideration the Committee agreed:

i)	to note the emerging data on the impact of Covid-19 nationally and on the people of Moray and the updated outcome statistics for communities in Moray;
ii)	to identify Forres, Lossiemouth and Keith as the communities for priority action in the next phase of locality planning work led by the local authority, while continuing to support existing partnership locality plan work in Elgin and Buckie;
iii)	that engagement work is developed using the approach set out in Appendix 1, working in partnership with community Anchor Organisations to enhance and accelerate the work where possible, leading to production of community/locality plans for our communities; and

iv)	to note the approach to locality planning set out in this report will support the development of a corporate action plan for social recovery and renewal by facilitating the identification of cross-cutting themes from communities across Moray.

Councillor Ross was absent for a short while during the discussion of this item.

10. SPSO Continuing Care and Transitions

A report by the Chief Officer, Health and Social Care informed the Committee that as an outcome of a parental complaint made to the Scottish Public Services Ombudsman (SPSO), which was upheld, the actions required of the authority, have concluded.

Following consideration, the Committee agreed to note:

i)	the revised policies for transitions and for continuing care were approved at Education, Communities and Organisational Development Committee on 3 February 2021 (para 19 and 20 of the minute refers);
ii)	throughout March 2021 there have been briefing sessions for staff; and
iii)	the SPSO have acknowledged completion of all actions.

11. Model Complaints Handling Procedure Report

A report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Committee to consider the Model Complaints Handling Procedure for implementation by 1 April 2021.

Following consideration the Committee agreed to approve the revised Model Complaints Handling Procedure (Appendix 1).

12. Question Time ***

Councillor Eagle sought clarification on whether all partner nurseries were being provided with lateral flow tests as he had received concerns that some nurseries had still not received any.

In response the Senior Project Manager (ELC) confirmed that the supply of Lateral Flow Tests had been distributed on a phased basis.

Phase 1 were all local authority nurseries and those private nurseries in Council primary schools. Phase 2 were all private and third sector nurseries. He further added that all nurseries had now received lateral flow tests.

Councillor Ross sought clarification on whether face to face teaching from S1 and S2 pupils will recommence after the Easter holidays.

In response, the Depute Chief Executive (Education, Communities and Organisational Development) confirmed that an announcement by the Scottish Government on social distancing in schools was due on 6 April 2021 so no confirmation could be given until after the announcement.

Councillor Allan requested an update on access to the new Lossiemouth High School for the community groups who currently use the old building.

In response, the Head of Education Resources and Communities confirmed that work is ongoing to identify the spaces available for the groups who currently use the facilities however, access cannot be given until after the restrictions have been lifted which is anticipated to be the end of April.

13. Living Wage Consolidation [Para 1 and 11]

A report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Committee to note the content of the report and approve the recommendations to proceed to seek an agreed approach on the consolidation of the living wage as per the Scottish Joint Council (SJC) National Salaries Agreement 2018-21 with the recognised Trade Unions.

During consideration the Chair sought agreement of the Committee to suspend Standing Order 74 to allow the meeting to continue beyond 12.45pm. This was unanimously agreed.

Following consideration the Committee agreed that:

i)	discussions proceed with the recognised trade unions with the aim of establishing an agreed approach to achieve practical and reasonable consolidation of the living wage;
ii)	any future preferred option to achieve consolidation maintains a pay structure that is legally compliant, technically robust with regard to good practice pay design and is affordable;
iii)	regard is paid to the SJC Consolidation Principles (Appendix 2) as part of the consolidation work;
iv)	the scope of the work to achieve consolidation is agreed through future reports to this Committee or Moray Council, whichever is appropriate at each stage of the project, and that this will include consideration of the depth and scale of the project, future proofing and retrospection; and
v)	this report is presented to the Council for their consideration of a budgetary request of up to £30k in the first instance to engage external expertise on pay and grading design and equal pay in terms of paragraph 7c below, to be funded from free general reserves.

14. Early Learning and Childcare - Proposed Lease and Rental Arrangements [Para 9]

A report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Committee to agree the sustainable hourly rate for early learning and childcare (ELC) private and third sector providers and the equitable lease arrangements and rental charges for private providers operating

from Council premises following the completion of a Moray wide consultation exercise.

Councillor Eagle, seconded by Councillor Brown moved that the new contracts be agreed and put in place from August 2021 but the rent remains at the current levels until August 2022 with the exception of VIP Childcare who would move to the new rent level from August 2021.

The Depute Chief Executive (Education, Communities and Organisational Development) urged caution with the Members as they had to be confident that they had all the information available to them to make the decision.

The Chief Financial Officer confirmed that the additional costs this motion would incur could be covered within the existing budget. The Senior Project Officer, also confirmed that there would be no additional work for Officers based on the motion put forward.

Councillor Eagle sought clarification from the Head of Governance, Strategy and Performance on whether his motion was competent.

In response, the Head of Governance, Strategy and Performance, confirmed that the motion was competent.

Following further consideration and there being no one otherwise minded, the Committee agreed:

i)	to note the outcome of the consultation exercise on the sustainable hourly rate for private and third sector providers who are in contract with Moray Council (Appendix 2);
ii)	that an hourly rate of £6.30 for 3 to 5 year olds, £7.57 for 2 year olds and £2.35 for lunches will be incorporated within the Moray Council ELC contract from this August for the period 2021-2023;
iii)	to note the outcome of the extended consultation exercise in relation to rental charges for private and third party providers to utilise Council premises (Appendix 4);
iv)	that officers contact the ELC providers operating from Council premises to agree main lease terms, as set out in Section 5 of this report for 6 years;
v)	that upon agreement of main lease terms the Legal Services Manager be instructed to put formal leases in place for July 2021 in relation to Strathisla Childcare Centre and along with all other settings (as listed in Appendix 3) to commence at the current rent levels for 1 year from the start date of the ELC Contract in August 2021 with the exception of VIP Childcare who will move to the new proposed rent from August 2021;
vi)	that the "base" commercial rents for each premise as detailed (Appendix 3), will be held fixed for an initial 6 year period and will then be reviewed every 3 years thereafter;
vii)	to the phased uplift of the commercial rents over a 6 year period as set out in paragraph 5.19 of this report;

viii)	that the Ladybird Group is offered a lease agreement at a nominal rent of £1 per annum and no share of property running costs; and
ix)	that Officers will provide a further report to this Committee in 12 months time that outlines a revised methodology for determining the share of common property costs and which does not confer an unfair commercial advantage for any private or third sector provider.