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## Moray Council

Wednesday, 08 May 2019

**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, 08 May 2019** 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 Written Questions \*\***

**5 Minute of Meeting dated 13 March 2019** **7 - 14**

**6 Recruitment Procedures for Senior Staff** **15 - 26**

Report by the Corporate Director (Corporate Services)

**7 Financial Planning 2019-20 - Consultation Update** **27 - 82**

Report by the Corporate Director (Corporate Services)

**8 Use of Capital Receipts to Fund Transformation** **83 - 88**

Report by the Corporate Director (Corporate Services)

- 9 Workload Pressures for Education and Social Care Staff** 89 - 92  
**Responding to Communications and Complaints**  
Report by the Acting Corporate Director (Education and Social Care)
- 10 Domestic Waste Charges** 93 - 94  
Report by the Corporate Director (Economic Development, Planning and Infrastructure)
- 11 Moray Leisure Centre (MLC) Developments** 95 - 100  
Report by the Corporate Director (Education and Social Care)
- 12 Appointments to Committees** 101 - 102  
Report by the Corporate Director (Corporate Services)
- 13 Question Time \*\*\***  
Consider any oral question on matters delegated to the Committee in terms of the Council's Scheme of Administration.

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

- 14 Workload and Budget Pressures for Children and Families Social Work**
- Information relating to staffing matters;
- 15 Budget 2019-20 - Voluntary Severance - Voluntary Early Retirement Applications [Paras 1 and 11]**
- Information relating to staffing matters;
  - Information relating to any consultations or negotiations in connection with any labour relations;

**Any person attending the meeting who requires access assistance should contact customer services on 01343 563217 in advance of the meeting.**



<b>GUIDANCE NOTES</b>
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\* **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.

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# **THE MORAY COUNCIL**

## **Moray Council**

### **SEDERUNT**

Councillor Shona Morrison (Chair)  
Councillor Graham Leadbitter (Depute Chair)  
Councillor George Alexander (Member)  
Councillor James Allan (Member)  
Councillor David Bremner (Member)  
Councillor Frank Brown (Member)  
Councillor Theresa Coull (Member)  
Councillor John Cowe (Member)  
Councillor Gordon Cowie (Member)  
Councillor Paula Coy (Member)  
Councillor Lorna Creswell (Member)  
Councillor John Divers (Member)  
Councillor Tim Eagle (Member)  
Councillor Ryan Edwards (Member)  
Councillor Claire Feaver (Member)  
Councillor Donald Gatt (Member)  
Councillor Louise Laing (Member)  
Councillor Marc Macrae (Member)  
Councillor Aaron McLean (Member)  
Councillor Maria McLean (Member)  
Councillor Ray McLean (Member)  
Councillor Derek Ross (Member)  
Councillor Ron Shepherd (Member)  
Councillor Amy Taylor (Member)  
Councillor Sonya Warren (Member)  
Councillor Walter Wilson (Member)

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**Minute of Meeting of the Moray Council**

**Wednesday, 13 March 2019**

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

**PRESENT**

Councillor George Alexander, Councillor James Allan, Councillor David Bremner, Councillor Frank Brown, Councillor Theresa Coull, Councillor John Cowe, Councillor Gordon Cowie, Councillor Paula Coy, Councillor Lorna Creswell, Councillor John Divers, Councillor Tim Eagle, Councillor Claire Feaver, Councillor Donald Gatt, Councillor Louise Laing, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Aaron McLean, Councillor Maria McLean, Councillor Shona Morrison, Councillor Derek Ross, Councillor Ron Shepherd, Councillor Amy Taylor, Councillor Sonya Warren

**APOLOGIES**

Councillor Ryan Edwards, Councillor Ray McLean, Councillor Walter Wilson

**IN ATTENDANCE**

The Chief Executive, the Corporate Director (Corporate Services), the Corporate Director (Economic Development, Planning and Infrastructure), the Head of Legal and Democratic Services, the Head of Financial Services, the Senior Project Manager: Early Learning and Childcare Expansion and the Democratic Services Manager as Clerk to the Meeting.

**1 Chair of the Meeting**

The Meeting was chaired by Councillor S Morrison.

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

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillor Alexander declared a personal interest in Agenda Item 7. The meeting 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 Order of Business**

In terms of Standing Order 28, the meeting agreed to vary the order of business set down on the Agenda and to take Item 10 on the agenda 'Commission of Services to Moray Council' into the open section of business prior to question time.

## **4 Resolution**

The Council 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 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 of Schedule 7A of the Act.

## **5 Minutes**

### **a Minute of Meeting dated 23 January 2019**

The Minute of the Meeting of Moray Council dated 23 January 2019 was submitted and approved.

### **b Minute of Meeting of Joint Consultative Committee dated 7 February 2019**

The Minute of the Meeting of the Joint Consultative Committee dated 7 February 2019 was submitted and approved.

### **c Minute of Special Meeting dated 27 February 2019**

The Minute of the Special Meeting of Moray Council dated 27 February 2019 was submitted and approved.

### **d Minute of Special Meeting dated 4 March 2019**

The Minute of the Special Meeting of Moray Council dated 4 March 2019 was submitted and approved.

## **6 Written Questions \*\***

The Council noted the following written question submitted by Councillor Macrae and the response thereto:-

To ask council what communication is on-going with the Scottish Government regarding Moray Council's financial situation and to confirm to members information on any written or recorded communication between Administration group councillors, the chief executive or any other officer of the council and the Scottish Government, either at Ministerial or official level relating to the council's financial settlement for 2019-20, its budget for 2019-20 and the further cuts necessary for 2020-21 since January 2019.

### **RESPONSE**

The Local Government Finance Circular No 2/2019 (the "Settlement" letter) dated 7



March 2019 from the Deputy Director, Local Government Analytical Services Division and other similar and related formal correspondence, has been received by the Chief Executive and Chief Financial Officer respectively.

The Chief Executive advised the councils Scottish Government Location Director informally by email of the outcome of the council's budget meeting on 27 February 2019.

The Council Leader will update the meeting orally with regard to communications between the Administration Group Councillors.

Thereafter the Council Leader stated that since the 20 December 2018 he and the Convener had attended the following meetings:

- 20 December 2018 - a meeting in the Scot Conference Suite at the Millenium Hotel in Glasgow at an SNP Leaders meeting with Derek McKay MSP;
- 20 January 2019 - via teleconference an SNP Leaders Information Sharing Meeting at the Highland Hotel in Stirling attended by Aileen Campbell MSP;
- 24 January 2019 - SNP Leaders took part in a conference with Derek McKay MSP;
- 31 January 2019 - an SNP Leaders Conference with Derek McKay MSP.

In addition between 3 January 2019 and the budget setting meeting on 27 February 2019 he also had conversations with Kate Forbes MSP the Minister for Local Government Finance, and Kevin Stuart MSP the Minister for Local Government, both of whom have local government ministerial portfolios and he has raised Moray Council budget issues with them. Councillor Leadbitter further stated that on every occasion he has met with Derek McKay or been involved in a teleconference has raised specific Moray budget issues with him. At present he is continuing to work on a range of local government issues with SNP colleagues from across the country, with Highlands and Islands Leaders and with other Council Leaders and Cosla officers and these discussions feed into correspondence and into face to face discussions with Scottish Government Ministers and happen on a regular basis.

Councillor Leadbitter stated that in the coming month he expects to be attending meetings with SNP Leaders, CoSLA Leaders, CoSLA Convention and there will be a further opportunity to lobby Ministers directly at the SNP Conference which is in 3-4 weeks time. He stated that he viewed the job of lobbying for additional finance through a range of means as a continuous ongoing part of the day job as Council Leader.

As a supplementary question Councillor Macrae stated that he saw little to demonstrate to the public that our case is being pursued at the highest level and referred to two Freedom of Information Requests sent to both the Scottish Government and the Council coving the period of 28 December 2018 and January 2019 and the budget asking the same question regarding what level of communications had been entered into and that the answer that came back from the Scottihs Government vaired wildly from the response given today and asked that the Council Leader that we do leave no stone unturned in future communications with the Scottish Government at any level be that lobbying MSPs, Ministers or Cabinet Secretaries and that this is transparent for both Councillors and the public to see that the Administration is working on their behalf.

The Chief Executive advised that Officers will continue where appropriate to discuss the Council's position with key organisations such as the Scottish Government, Audit Scotland and CoSLA.

## **7 Establishment of Post of Early Years Service Manager**

A report was submitted by the Chief Executive inviting the Council to consider Suspending Standing Order 82 and approve the establishment of the post of Early Years Service Manager at a salary grade 13 on a permanent basis, as outlined in the Delivery Plan for the expansion of Early Learning and Childcare provision across Moray.

The Meeting noted that given that it is less than six months since it was agreed to approve the establishment of the post until August 2020, then should the Council determine that there has been a relevant and material change in circumstances and agree to the establishment of the post on a permanent basis it would be necessary to suspend Standing Orders and in so doing the relevant and material change in circumstances should be specified in the motion proposing the suspension.

The Head of Financial Services advised that in regard to the relevant and material change in circumstances, since the advice presented to the Council on 18 December 2018 which stated that Scottish Government funding was in place until August 2020, more detailed information regarding the funding in relation to the Expansion of Early Learning and Childcare in Scotland has been provided in that ring-fenced funding is in place until March 2022 and that on-going funding will be provided through the Local Authority block grant post March 2022 as outlined in paragraph 3.7 of the report.

There being no one otherwise minded the Meeting unanimously agreed that the change in circumstances as set out in paragraph 3.7 of the report represented a relevant and material change in circumstances, in terms of Section 82 of the Council's Standing Orders and agreed to suspend Standing Order 83 and reconsider the establishment of the post of Early Years Service Manager.

Thereafter following lengthy discussion Councillor Alexander, seconded by Councillor Warren moved approval of the recommendation as detailed in the report. There being no one otherwise minded the Council agreed the establishment of the post of Early Years Service Manager on a permanent basis as detailed within the report.

## **8 Transfer of Financial Inclusion Team**

A report was submitted by the Corporate Director (Corporate Services) seeking authority to transfer responsibility for the Financial Inclusion Team and the Council's Citizen Advice Bureau budget from the Head of Development Services (Trading Standards Team) to the Head of Legal and Democratic Services (Customer Services Team) in order to align existing welfare advice and support services.

Following consideration the Council agreed that subject to consultation responsibility for the Financial Inclusion Team and the Council's Citizen Advice Bureau budget transfers from the Head of Development Services to the Head of Legal and Democratic Services with effect from 1 April 2019 and that the Scheme of Delegation is amended accordingly.

## **9 Forres Common Good - Forres Mechanics Football Club**

Prior to discussion of this Item Councillor Alexander declared a personal interest in this item and left the meeting taking no part in the discussion or decision.

A report was submitted by the Corporate Director (Corporate Services) inviting the Council to consider an application from Forres Mechanics Football Club for financial assistance from Forres Common Good Fund towards the cost of the upkeep of their football pitch.

Following lengthy discussion Councillor Feaver moved that the Council do not transfer a further £3000 in this financial year to Forres Mechanics Football Club to defray the running costs of their business. Councillor Macrae seconded the motion.

As an amendment Councillor Creswell, seconded by Councillor Cowe, moved that the Council approve the application from Forres Mechanics Football Club for financial assistance of £3000 from Forres Common Good Fund towards the cost of the upkeep of their football pitch.

On a division there voted:

For the Motion: 9 Councillors Feaver, Macrae, Allan, Brown, Eagle, Gatt, M McLean, Ross and Warren

For the Amendment: 13 Councillors Creswell, Cowe, A McLean, Bremner, Coull, Cowie, Coy, Divers, Laing, Leadbitter, Morrison, Shepherd and Taylor

Abstentions: (0)

Accordingly the Amendment became the finding of the Meeting and the Council agreed to approve the application from Forres Mechanics Football Club for financial assistance of £3000 from Forres Common Good Fund towards the cost of the upkeep of their football pitch.

## **10 Applications for Funding from Common Good**

A report was submitted by the Corporate Director (Corporate Services) asking the Council to approve a streamlining of the procedures for processing applications for funding from the Common Good.

Following discussion Councillor Feaver stated that from the discussion, in her opinion, the change was being requested due to the administration of the system being an onerous task rather than looking at it from a democratic or trustee's point of view and stated in her opinion, the current system provides a safety net which helps to prevent an impression of favoured bodies getting preferential treatment and encourages Councillors to show independence of mind and moved against the recommendation and keep the status quo in order to maintain the democratic process. Councillor Macrae seconded the motion.

As an amendment Councillor Leadbitter, seconded by Councillor Cowe, moved approval of the recommendations as outlined in the report.

On a division there voted:

For the Motion: (11) Councillors Feaver, Macrae, Brown Cowie, Creswell, Eagle, Gatt, M McLean, Ross, Shepherd and Warren

For the Amendment: (11) Councillors Leadbitter, Cowe, A McLean, Allan, Bremner, Coull, Cowe, Coy, Divers, Laing, Morrison and Taylor

Abstentions: (1) Councillor Alexander

There being equality of votes, and in terms of Standing Order 63(e), the Chairman cast her casting vote in favour of the Amendment.

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

i) applications for funding from Common Good continue to be considered by local members in the first instance and that if two thirds or more of local members are in agreement that should be sufficient authority to proceed under the delegated authority of the Head of Financial Services, and

ii) if the agreement of at least two thirds of local members cannot be obtained on an application for funding from the Common Good then the application will be reported to Policy and Resources Committee.

## **11 Commission of services to Moray Council [Para 8]**

A report was submitted by the Chief Executive asking the Council to agree to commission an external service to provide additional capacity and expertise to produce an Improvement Plan for the education function of the Council.

The Chief Executive advised the meeting that it had been rightly pointed out to his attention that the rationale for not having followed the normal process set out in the Financial Regulations, i.e. to tender the work competitively by seeking quotes, is not explicit in the report and welcomed the opportunity to provide the necessary clarity.

The Chief Executive advised that faced with risks identified in the report there was a need to react swiftly and decisively for there to be a council led self evaluation and improvement process commissioned by the Council and reconfirmed by the commitment of Members, hence the report before Members today. To do that a plan needed to be provided by the end of February. This led to the urgent identification of someone with the relevant skills and background to undertake the improvement work with immediate effect, hence the appointment of Mr Robertson.

He further advised that Education Scotland wish to see this as a Moray Council led process with Education Scotland providing support as required and he is to formally approach Education Scotland in writing to which will seek their support and advice in regard to the arrangements being put in place. In the meantime the Head of Schools and Curriculum Development and Mr Robertson will flesh out the required processes, timescales and implications of this course of action as recommended in the report.

The Chief Executive advised that he was conscious that Members may not be fully aware of the background to the concerns and was aware that in October 2018 a briefing was given by David Gregory the then Inspector for Moray and proposed that

a further briefing would be useful in terms of the project plan going forward in order to fully brief members on what the issue and challenges are. The Plan itself will be high level but likely to focus on key performance outcomes such as leadership, the impact on learners, staff and parents and also the capacity for improvement. The Chief Executive further advised that he believed the focus will begin to address the staff have in terms of leadership and capacity for improvement.

In conclusion he advised that if this review was to commence during the summer term, a report would be brought back to the Council in August 2019 following the summer recess.

Councillor Warren, in her capacity as Chairman of Children and Young Peoples Services Committee, stated that she welcomed the report and the opportunity to use Mr Robertson who will provide a fresh pair of eyes and another pair of hands. She stated that in her opinion it is important when looking at transformational change and improvements to be able to continue with the day job but also have the capacity and people who can look at the transformational change and look at areas for improvement while supporting the staff within Education who are working under exceeding pressure and she commended them for all their work thus far.

There followed lengthy debate during which the Chief Executive responded to Members questions in regard to the need to employ a consultant to undertake the work; the process followed in regard to this and whether any other support had been sought or was available to the Council from organisations such as Education Scotland and the Northern Alliance .

Thereafter Councillor Morrison, seconded by Councillor Leadbitter, moved that the Council agree the recommendation as outlined in paragraph 3.1 of the report.

As an amendment Councillor Ross, seconded by Councillor Macrae, moved that the Council do not agree the recommendation.

On a division there voted:

For the Motion (10) Councillors Morrison, Leadbitter, Bremner, Coull, Coy, Divers, Laing A McLean, Taylor and Warren

For the Amendment (11) Councillors Ross, Macrae, Allan, Brown, Cowie, Creswell, Eagle, Feaver, Gatt, M McLean and Shepherd

Abstentions (2) Councillors Alexander and Cowe

Accordingly the Amendment became the finding of the Meeting and the Council agreed not to approve the appointment of Bruce Robertson Education Limited to provide on a consultancy basis, between March 2019 and June 2019, additional capacity and expertise to co-ordinate, prepare and complete an Improvement Plan for the education function of the Council.

## **12 Question Time \*\*\***

Councillor A McLean stated that he had concerns regarding the previous decision, the risks associated with it and the resultant delay this meant in addressing this very important issue and asked where the Council goes from here and how soon could a

timetable in addressing this issue be available to Members?

In response the Chief Executive advised that he did not have an answer to this and would be happy to explain in private what the concerns are in regard to this.

In regard to the question of a timetable Councillor Morrison stated that considering the implications arising from the decision, time will be needed in order for a timetable to be formulated.

Councillor Alexander asked if all of the Employee Review and Development Process's (ERDPs) were up to date in respect management staff, in particular the Corporate Management Team (CMT)?

In response the Chief Executive advised that he did not have that answer to hand and would advise Councillor Alexander outwith the meeting.

Councillor Alexander, in referring to the voting process relating to the previous item, queried why no further debate had been allowed following Councillor Ross's amendment as had this been allowed he would have asked the same question raised by Councillor A McLean as to what the repercussions would be to go against the recommendation and that this may have had a bearing on how he voted.

In response the Democratic Services Manager advised that at the time Councillor Alexander had intimated he wished to ask a question, the meeting had already moved into the summing stage of the voting procedure and therefore no further debate or discussion could be entered into at this point.

Councillor Morrisn further stated that this question should have been an intrinsic part of the debate and if the question had not been asked before that point then it should have been and everyone should have been aware of the implications, and therefore if no one decided or chose to ask that question, this, in her opinion, was a failing.

### **13      Budget 2019-20 - Workforce Implications [Paras 1 and 11]**

Under reference to paragraph 6 of the Minute of the special meeting of Moray Council dated 27 February 2019, a report was submitted by the Corporate Director (Corporate Services) asking the Council to suspend Standing Order 83 and agree to withdraw an application for voluntary retirement previously agreed due to an administrative error.

The Meeting noted that given that it is less than six months since it was agreed to approve the application for voluntary retirement, then should the Council determine that there has been a relevant and material change in circumstances and agree to withdraw the applicaiton it would be necessary to suspend Standing Orders and in so doing the relevant and material change in circumstances should be specified in the motion proposing the suspension.

Following consideration the Council unanimously agreed that the change in circumstances as detailed in paragraph 4.4 of the report represented a relevant and material change in circumstances, in terms of Seciton 82 of the Council's Standing Orders and agreed to suspend Standing Order 83 and thereafter agreed to withdraw the application for voluntary retirement.



**REPORT TO: MORAY COUNCIL ON 8 MAY 2019**

**SUBJECT: RECRUITMENT PROCEDURES FOR SENIOR STAFF**

**BY: CORPORATE DIRECTOR (CORPORATE SERVICES)**

**1. REASON FOR REPORT**

- 1.1 To invite the council to consider the procedures for the recruitment of senior staff and to amend these to incorporate improvements.
- 1.2 This report is submitted to the Council in terms of Section B (27)(d) of the Council's Scheme of Administration relating to formulation and review of the policies for the appointment of all employees.

**2. RECOMMENDATION**

- 2.1 **It is recommended that Council approves the revised procedures for the appointment of senior staff as set out in Appendix B.**

**3. BACKGROUND**

- 3.1 Para I (5) of the Scheme of Administration states that senior officers will be appointed "in accordance with the recruitment scheme approved by the Council". For this purpose, senior officers are deemed to be the Chief Executive, Corporate Directors and Heads of Service. The current recruitment procedures were approved by the Moray Council 7 December 2016 (para 6 of the minute refers). **Appendix A** and original wording of **Appendix B** set these out.
- 3.2 The revised procedures agreed at that time introduced a range of recruitment assessments aimed at testing out candidates' suitability against the range of job requirements using different methods for challenge and verification of results that take account of varying styles and strengths of candidates. Importantly, smaller recruitment panels were established which are recognised as being more effective and adaptable.
- 3.3 Following a pilot of the recruitment procedures, it was concluded by all involved that they were very informative and provided a fuller, more rigorous and evidence based assessment of the candidates in relation to the person specification for the job. These procedures continue to be in place for heads of service and have proved to be effective in their application.

- 3.4 However, the procedures for Director appointments were subsequently amended to revert to the larger full council appointment committee. In a report to the Council on 7 December 2016, it was reported that the amendments made to the procedures in respect of the appointment of Directors had proved less effective. They had reverted to previous practice and had re-instated some of the short-comings of the historical processes. In particular the effectiveness of large recruitment panels and the proper consideration of the assessments emerging from the whole recruitment process were of concern.
- 3.5 At that time, experience of operating the amended larger appointment panel procedures for Directors was reported as having been more problematic and particular examples included:
- the inability of a large group (26 members) to follow up on issues of concern in an application;
  - inability to provide professional challenge where answers are not sufficiently clear or robust;
  - lack of opportunity for adequate advice and guidance to be offered and followed in a large formal setting;
  - “halo” effect in formal presentations where there may be limited substance beneath the presentation;
  - too much weight applied to the formal committee interview and not enough to the overall recruitment process and variety of assessment methods;
- 3.6 More recent experience continues to reflect these concerns in the appointment of directors. It is suggested that learning is taken from the experience of appointing Directors contrasted with appointing Heads of Service and that to address the issues that have arisen with Directors appointments, the revised procedure in Appendix B should be adopted. This is a closer reflection of the process for Heads of Service with the addition of a measured and weighted method of scoring performance throughout the whole recruitment procedure to ensure that all of the elements are taken into account in the final decision.
- 3.7 The procedure for Heads uses an appointing committee rather than full council, which allows for political input but is smaller, enabling some questioning of candidates and due account to be taken of professional advice. This is considered to be a stronger recruitment model.

#### **4. SUMMARY OF IMPLICATIONS**

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

The recruitment procedures are designed to ensure that senior staff can be recruited to support and deliver the Council's priorities.

**(b) Policy and Legal**

This report takes account of the council's policies on recruitment and selection. There are no legal implications.



**(c) Financial implications**

None.

**(d) Risk Implications**

The weaknesses in the current procedures are outlined in the report and risks of continuing with these are that an inappropriate or less than ideal appointment is made which impacts on the capacity the council has to deliver its priorities. The wrong appointment at a senior level can have significant consequences for the organisation and can be expensive to resolve at a later date.

**(e) Staffing Implications**

None.

**(f) Property**

None.

**(g) Equalities/Socio Economic Impact**

The procedures used in the recruitment process take account of relevant equalities requirements and all members and staff involved receive appropriate training.

**(h) Consultations**

The Corporate Management Team have been consulted and their comments incorporated into the report.

**5. CONCLUSION**

**5.1 Experience of the recruitment procedures for Directors have identified some areas for improvement and revisions to the recruitment panel, appointing committee and a measurement and weighting of the whole recruitment process are recommended to address these.**

Author of Report: Denise Whitworth

Background Papers: Moray Council 03-08-2011

Moray Council 15-02-2012 (para 6 of minute)

Special Moray Council 18-03-2014 (para 4 of minute)

Moray Council 28-05-14

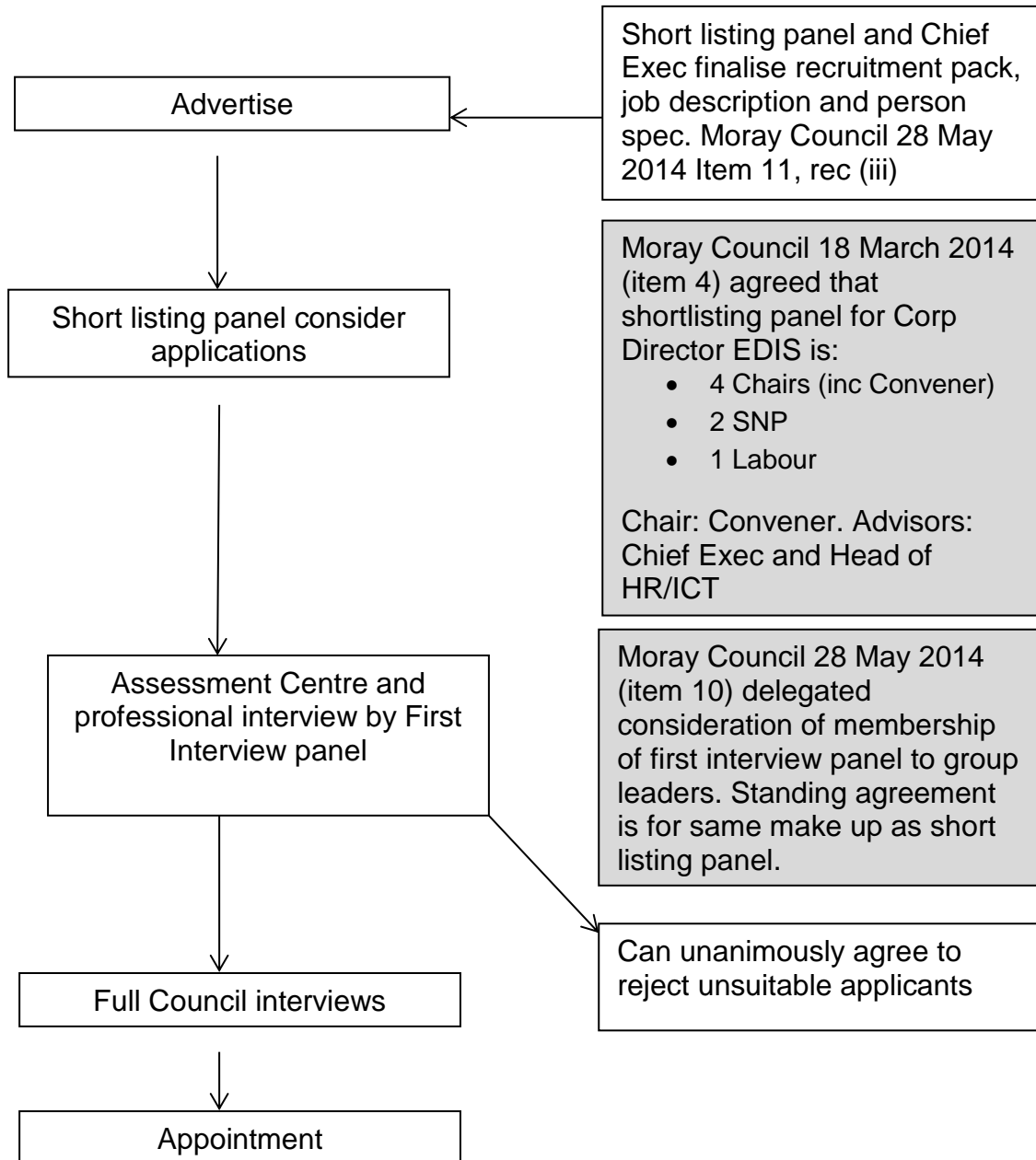
Moray Council 7 December 2016

Ref:



**Appendix A****SUMMARY OF EXISTING RECRUITMENT POLICY FOR CORPORATE DIRECTOR**

Original policy was agreed at full Council on 15 Feb 2012 and has been amended through subsequent decisions noted below.





**Recruitment and Selection of Senior Staff****1. Introduction**

- 1.1 With increased focus on corporate priorities, wider management remits and a focus on performance and outcomes the recruitment of individuals who can operate at a strategic whole council level and deliver the required results is increasingly important. This document sets out an approach that aims to deliver the best possible appointments to senior positions in the Council.

**2. Purpose**

- 2.1 To provide an effective recruitment process for senior staff that is suited to Council needs and robust in terms of assessing against the whole job requirements.
- 2.2 This process applies to the selection stage after applications are received and must be read in conjunction with the Council's recruitment and selection procedures. It should be noted that the Council's normal processes apply in relation to advertising and other administrative arrangements.

**3. Scope**

- 3.1 This procedure shall apply to permanent appointments to the posts of Chief Executive, Corporate Directors and Heads of Service.
- 3.2 At the discretion of the Chief Executive, the relevant Corporate Director or the Council Leader in respect of the post of Chief Executive, the procedures may be adapted as appropriate for temporary or acting appointments to these posts.

**4. Procedure**

The recruitment panel will lead the recruitment process throughout, undertaking advertising arrangements, short-leeting (as part of the appointments committee) and interview and preparing a report on the outcome of the recruitment process for consideration by the relevant Appointments Committee.

With the exception of the post of Chief Executive, final appointments will be approved by the Appointments Committee based on a full report from the Recruitment Panel on the outcome of the recruitment assessments, interview and presentation.

For the Chief Executive, the full Council will receive the report from the Recruitment Panel and will approve the final appointment.

**4.1 Recruitment Panel**

4.1.1 *Chief Executive: the Council Leader, Convenor, one Group Leader from the opposition, advised by the Head of Human Resources and a professional advisor.*

4.1.2 *Corporate Director posts: Chief Executive, the relevant Committee Chair<sup>1\*</sup>, the Head of Human Resources and, if required, a professional advisor. The Chief Executive will determine whether a professional advisor is required in each case.*

4.1.3 *Head of Service posts: Corporate Director, the relevant Committee Chair\*, the Head of Human Resources and, if required, a professional advisor. The Corporate Director will determine whether a professional advisor is required in each case.*

4.1.4 A member of the recruitment panel may nominate an appropriate representative to participate on their behalf. However, those undertaking the long-leeing and assessment should be the same individuals throughout each process.

4.1.5 Members of the recruitment panel will continue to participate in the final Appointments Committee procedures.

#### 4.2 Appointments Committee

\_\_\_\_\_The Appointments Committee will reflect the appropriate political balance in the council pertaining at the time. Substitutes may be nominated.

4.2.1 *Chief Executive: Appointments committee chaired by Convenor, advised by professional advisor and Head of Human Resources (Note: full council makes final appointment decision.)*

4.2.2 *Corporate Directors: Appointments committee, chaired by Chair\* of relevant service committee, advised by Chief Executive, Head of Human Resources and professional advisor if required.*

*Heads of Service: Appointments Committee, chaired by Chair\* of relevant service committee, advised by Corporate Director, Head of Human Resources and professional advisor if required.* 4.3 Advertising/

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<sup>1\*</sup> Where more than one committee is relevant, the Chairs of those committees shall agree who is to chair the appointments committee

#### 4.3 Advertising

4.3.1 The recruitment panel will agree the arrangements for advertising the post and will review the information pack for candidates.

#### 4.4 Short-Listing

4.4.1 After the closing date the Appointments Committee will review all applications received against the requirements of the post as per the Council's recruitment and selection procedures. The Panel will select the candidates to be called for assessment; normally this will be no more than 6 to 8 candidates.

#### 4.5 **Selection Procedures**

##### Assessment Centre

4.5.1 The first stage of the selection procedure will make use of a range of assessment methods in order to assess the candidate's suitability across the whole range of the job requirements. The set of assessment methods used will aim to give candidates the opportunity to demonstrate their aptitudes across a range of exercises to give a fair representation of all candidates.

4.5.2 This assessment will include an appropriate set of personality and aptitude tests, case studies, and management exercises undertaken by qualified practitioners (assessors) and designed for each recruitment exercise. Feedback on the assessments will be provided to the candidates by the assessors.

4.5.3 .

##### Panel Interview

4.5.4 The recruitment panel will undertake an interactive interview with each candidate. The interview will be structured to consistently explore the candidates' suitability to the role but to allow for discussion and probing relevant to each particular individual.

##### Committee Presentation

4.6.1 Candidate(s) will give a presentation to the members of the Appointments Committee and will answer questions related to the presentation. This part of the selection process aims to assess the candidates' suitability in a formal setting.

##### /Committee Presentation

4.6.2 The Appointments Committee will receive a copy of the candidate(s) application in advance of the presentation.

4.6.3 The candidate(s) will be asked to make a presentation to the committee members on a topic advised to them in advance and will then answer a range of questions from the members of the committee.

- 4.6.4 The presentations will be assessed by the Appointments Committee and the result included in the overall recruitment assessment of each applicant.

#### Recruitment Panel Reports

- 4.5.5 The Recruitment Panel will prepare a report on each candidate for consideration by the Appointments Committee (full Council for Chief Executive appointment) . An overview report will also be provided identifying the relative merits and rankings of the candidates and will make a recommendation to the Appointments Committee regarding appointment based on a measured and weighted evaluation of each candidate's performance over the whole recruitment process.
- 4.5.6 Where the Recruitment Panel are in agreement that a candidate does not meet the requirements of the post and should not be appointed this will be clearly stated in the report and the candidate(s) advised accordingly.

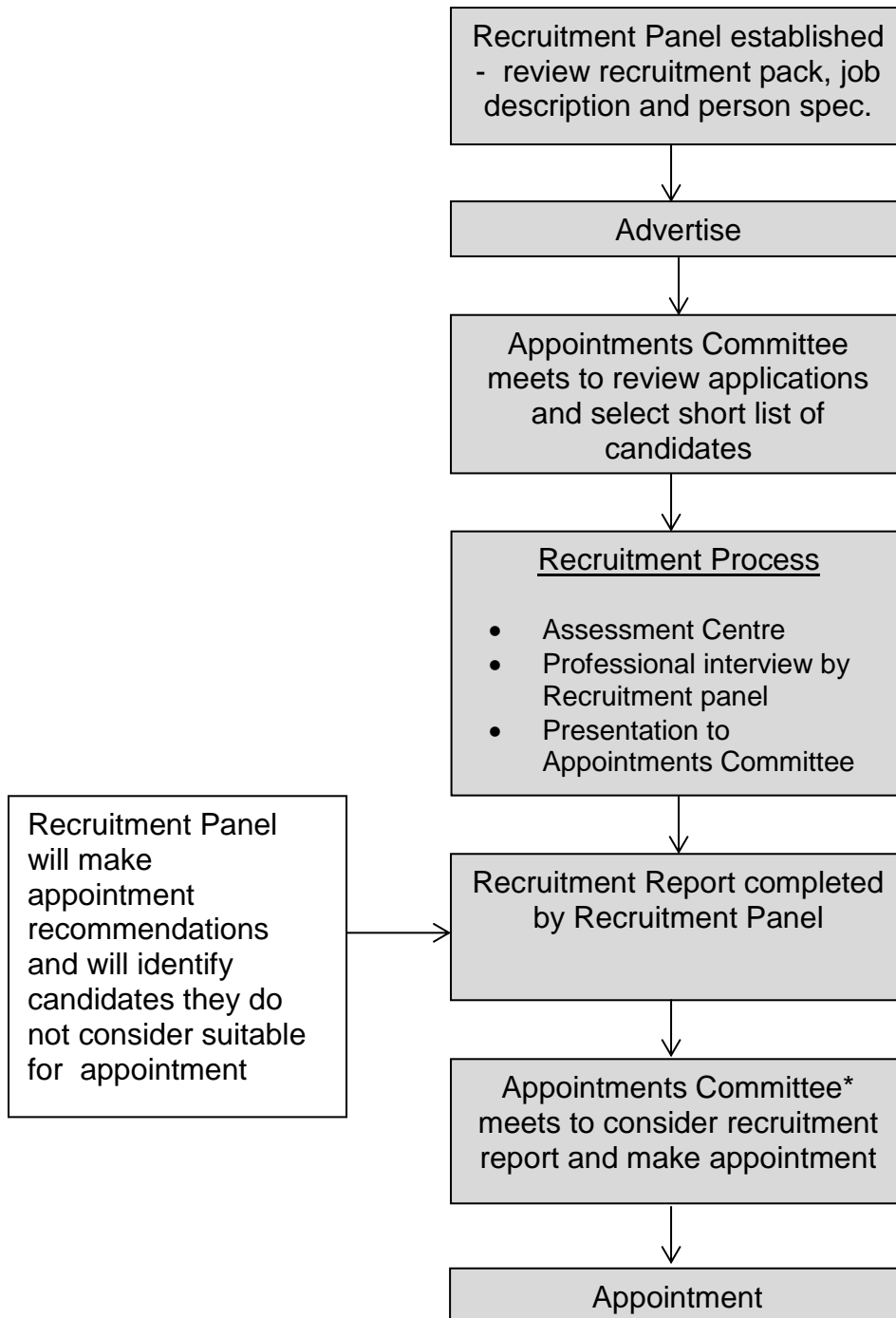
#### Recruitment Decision by Appointments Committee (full Council for Chief Executive

- 4.5.7 The Appointments Committee will review the candidate reports and the overview report from the Recruitment Panel. The Committee will then decide upon whether or not to offer the position to a candidate..
- 4.5.8 If the Appointments Committee decides not to offer the position to a candidate, they cannot review or call upon any of the candidates who have already been selected out by the recruitment panel. The recruitment process must begin again.



May 2019

## SUMMARY OF PROPOSED RECRUITMENT POLICY FOR SENIOR APPOINTMENTS



\*For appointment to the post of Chief Executive the recruitment report will be submitted to the full Council that the final appointment will be made by the Council






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**REPORT TO: MORAY COUNCIL ON 8 MAY 2019**

**SUBJECT: FINANCIAL PLANNING 2019-20 – CONSULTATION UPDATE**

**BY: CORPORATE DIRECTOR (CORPORATE SERVICES)**

### **1. REASON FOR REPORT**

- 1.1 To inform the Council of the outcome of the equalities and workforce consultation on budget options considered at the Council meeting on 27 February 2019 and to agree how to proceed.
- 1.2 This report is submitted to the Council in terms of Section III (A) 2 of the Council's Scheme of Administration relating to considering the Capital and Revenue Budgets and long term financial plan.

### **2. RECOMMENDATION**

#### **2.1 It is recommended that the Council:**

- i) considers the information in the revised equality impact assessments (Appendices A, B and C) and the mitigations proposed in response to the consultation;
- ii) agrees to proceed with the savings relating to reduced library opening hours, Essential Skills and English for Speakers of Other Languages (ESOL) services; and
- iii) notes that alternatives savings proposals have emerged from the workforce consultation in relation to Janitorial savings and remits further consideration of the saving to the service committee, subject to any variation in the amount saved being reported to a future meeting of the council.

### **3. BACKGROUND**

- 3.1 The meeting of the Moray Council on 27 February 2019 agreed a number of savings subject to further workforce or equalities consultation (para 4 of the minute refers). These savings related to janitorial services, subject to workforce consultation and reduced library opening hours, Essential Skills and English for Speakers of Other Languages (ESOL) services, subject to equalities consultation.

- 3.2 Workforce consultation is in respect of potential contractual changes and changes in working practices and is required under the terms of the relevant legislation, contracts of employment and the council change management procedures and takes place with the trade unions and employees affected.
- 3.3 The janitorial proposals have been consulted upon at meetings with the workforce, Trade Unions and management representatives with additional information being circulated thereafter. An extended consultation deadline was provided and responses have been received suggesting alternative means of achieving savings. These are still under consideration by service management. Therefore, it is proposed that a further report on the outcome of the consultation and the options for delivering a saving is taken to the service committee, with any variation in the financial value being reported to a future meeting of the Council.
- 3.4 Equalities consultation is in respect of the Equality Act 2010 and involves service users affected by the changes. This work was led by the service manager and supported by the Community Support Unit and the Equalities Officer. The outcome is further developed equality impact assessments, which are attached as **Appendices A, B and C** to this report.

### Essential Skills

Particular issues identified as a result of the consultation work include that for the Essential Skills Service the proposal has negative impacts on young people, people with a disability and on the need to reduce inequalities that are a result of socio-economic differences. It particularly affects those who have low attainment in education. As the service is being removed, with limited local authority lead alternatives in place to remove negative impacts, service users would have to rely on family members and others in the community for support.

While there were 12 people who reported as having a disability, the main impact on a protected group is on young people aged 16-24 who comprise 43% of the 256 users (110). The impact is that there is less opportunity for them to gain literacy and numeracy skills because the service is being removed and this impacts on life skills and employment opportunities. Most of the service users also come under the socio-economic duty as they are not working or are in low paid employment. For both circumstances, given that the service is being removed, there is limited mitigation that can be put in place. For the young people, there could be some communication with the Schools service to request additional essential skills support preceding young people leaving school in an effort to reduce the need for an adult essential skills service. The issue to be determined by the Council is whether a proposal that generates £164k is a proportionate means to achieve the council's business requirement to balance its budget given the impact on young people using the service.

### ESOL Service

- 3.5 In respect of the ESOL Service, the risk to reducing this service is:

- Increased cost to other services: Increased use of language line by health services and education services
- Increased reliance on social services and DWP: Reduced opportunity for adults to contribute to the local economy
- Poorer experience of education and impact on children: Reduction in the quality of interaction between parents and schools
- Reduced potential to contribute to the local economy: Lost opportunity for skilled workers to find employment

The proposals offer no opportunities to promote equality as they would lead to the removal of the service. However, funding through the Syrian Vulnerable People Resettlement Scheme has been agreed for 2019/20.

- 3.6 All of the 100 service users fall under the protected characteristic of race. The impact is on the users day to day life as their opportunity to learn English is much reduced by the removal of this service. As the service co-ordination is being removed, it is unlikely that the tutors who are funded elsewhere and employed by Moray College will continue. Therefore, it is assumed the service will cease and there would be no real scope for mitigation although a small number of users may be able to access alternative service provision, for example if they access higher level learning through Moray College. Work continues to identify whether there may be options to charge for a language service but at this time that has not reached a conclusion. The consideration, therefore, is whether the proposal (to save £23k) is a proportionate means to balance the council's budget taking account of the equalities impact on the citizens using the service. While this amount seems small, it is of note that balancing the Council's budget was extremely challenging and there were a number of relatively low value savings that contributed to the total required to reach a balanced position.

#### Library Opening Hours

- 3.7 Consultation on reduced library opening hours involved 372 people, 75% of whom were female and 2/3rds of whom were aged 16-65. The feedback was that the proposed opening hours were not suitable for between 33% and 43% of participants from different age groups. This potentially means there will be reduced numbers able to access the service. However, the revised opening hours have been configured to match up with peak user times and it is hoped that will mitigate some of the impact. In addition, as further mitigation it is proposed to continue to monitor footfall and to review opening hours and adjust them as necessary. It is considered that it is reasonable to proceed with these savings given the mitigation that has been put in place (as set out in the EIA) and the further monitoring of opening hours/footfall.
- 3.8 In determining how to proceed with the savings referred to in this report, the Council's duty is to have "due regard" to equalities considerations. While it is not necessary to eliminate or entirely avoid equalities impacts, the Council should be aware of what these are and consider whether they are proportionate and reasonable measures in all the circumstances, with particular regard to possible mitigation or alternatives that would reduce or avoid the impact.

#### **4. SUMMARY OF IMPLICATIONS**

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

These savings form part of the Council's financial planning that supports the council priority of working towards a financially stable council.

##### **(b) Policy and Legal**

The proposals contained in this report form part of the suite of savings that ensure that the council is able to meet its statutory responsibilities, which were set out in the previous reports to the Council on financial planning. In summary, in relation to revenue budget:

Section 95 of the Local Government (Scotland) Act 1973 requires that every local authority must make arrangements for the proper administration of its financial affairs.

Section 1(1) of the Local Government in Scotland Act 2003 requires that each local authority makes arrangements to secure Best Value in the performance of its functions, which includes financial stewardship.

##### **(c) Financial implications**

The financial value of the savings in this report are set out below and the service implications are set out in the budget templates that were provided as part of the reference papers for the council report on 27 February 2019

	2019/20 £000s	2020/21 £000s
Essential Skills	164	-
ESOL	22	1
Janitors contractual overtime	36	37
Reduced opening hours in libraries	21	-

##### **(d) Risk Implications**

There are a number of risks associated with financial planning that have been set out in previous reports, including the range of variables and unknowns that influence the position. There is also a risk that 100% of the savings that have been approved to date may not all be delivered. This is being monitored and will be incorporated into future financial monitoring reports.

Given the financial position that has been reported to the council in a series of financial planning reports, most recently on 27 February 2019, should the council be of a mind to reduce or remove the savings in this

report, depending on the extent of the financial impact there may be a requirement to identify additional alternative savings in order to continue to deliver a balanced budget for 2019/20. At this stage, no alternative savings are identified and this would have to be addressed through a further report to the council. The difficulty to identifying new savings should however, not be underestimated.

#### **(e) Staffing Implications**

The staffing implications of these proposals have been the subject of consultation with the workforce and their trade union representatives and were considered as part of the previous reporting to the council. The implications are:

- Janitorial services – contractual changes to reduce contractual overtime by 100 hours per employee per year (i.e. a two thirds of the total annual contractual overtime)
- ESOL and essential skills proposals were part of earlier consultation reported to the council on 27 February 2019. The workforce impact for both services is accommodated by voluntary measures.

There is a separate report on the council agenda that seeks approval of voluntary early retirement and voluntary severance applications under these schemes subject to the relevant savings proceeding. There are six VER/VS cases supported and the cost of these voluntary departures would be £102,934. This would deliver ongoing annual salary savings of £129,830. The Council's policy is that severance costs should be recouped from the annual savings they generate over a period of up to 3 years. The overall cost of these exits would comply with that policy.

#### **(f) Property**

There are no property implications arising from this report.

#### **(g) Equalities/Socio Economic Impact**

Under the equality duty (set out in the Equality Act 2010) the Council must, in its decision making, have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation, the need to advance equality of opportunity and the need to foster good relations between people who are in a protected group and those who are not. Groups protected by the Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation and marriage and civil partnership.

Since April 2018 there is also a duty to consider, at a strategic level, the desirability to reduce inequalities of outcome that are a result of socio-economic differences.

Councillors need to consider the effects of budget proposals on these protected groups as part of the budget decision making process and the Equality Impact Assessments for these savings are a recognised means of enabling this.

**(h) Consultations**

The Libraries Manager, Equalities Officer, Head of Financial Services, Head of Legal and Democratic Services and the Joint Acting Head of HR&ICT have been consulted in the preparation of this report and their comments have been incorporated into to the report.

The outcome of equalities and workforce consultation are included in the body of the report.

**5. CONCLUSION**

- 5.1 The council agreed a range of savings to set a balanced budget in 2019/20. Savings in relation to janitorial services were approved subject to workforce consultation and Essential Skills, ESOL and Libraries required equalities consultation to be undertaken and incorporated into the EIAs. This work has been completed and taking into account the outcomes. It is now recommended that the council agrees to proceed with the savings for Libraries, ESOL and Essential Skills. For Janitorial services, consultation is continuing and it is proposed to take a report to the service committee.**

Author of Report:	Denise Whitworth
Background Papers:	
Ref:	SPMAN-1108985784-17



**SECTION 1 - DO I NEED AN EIA?****DO I NEED AN EIA?** *(see note 1)***Name of policy/activity**

A13b4 ESOL 100%

Please choose one of the following:

Is this a:

- New policy/activity?
- Existing policy/activity?
- Budget proposal/change for this policy/activity? ✓
- Pilot programme or project?

**Decision**

Set out the rationale for deciding whether or not to proceed to an Equality Impact Assessment (EIA)

Remove the post of ESOL Project Coordinator.

Alternative methods of delivery will be pursued.

May impact on protected groups, already disadvantaged citizens of Moray (through their inability to access social services, health care, education and job opportunities due to their lack of English skills) and staff.

Deletion of this post may have a knock-on effect on more than 100 local residents and 5 tutors (who are funded from non-Moray Council funds). This means that the service will no longer be delivered by Moray Council.

EIA Required – YES

**Date of Decision:** 12/04/2019

**If undertaking an EIA please continue onto the Section 2. If not, pass this signed form to the Equalities Officer.**

## SECTION 2: EQUALITY IMPACT ASSESSMENT

### **General Information**

#### **Assessment undertaken by** *(please complete as appropriate)*

Director or Head of Service	Graham Jarvis, Acting Director of Education and Social Care
Lead Officer for developing the policy/activity	Sheila Campbell, Principal Librarian
Other people involved in the screening (this may council staff, partner or others i.e contractor, partner or community)	Lorna Ross, ESOL Project Co-ordinator

#### **Brief description of policy/activity**

Describe the policy/activity *(see note 2)*:

Reduce post of ESOL Project Co-ordinator by 100% = 19.6 hours per week.

Who are your main stakeholders? *(see note 3)*

Moray residents who do not have English as their first language and wish to learn, or improve, their English reading, writing, listening and speaking skills.

These include:

- Parents with children at school who are unable to:
  - communicate with teachers, other parents and specialist services
  - assist children with their assigned schoolwork
- Employable people who are unable to secure work due to poor language skills, and are therefore a burden on social services and DWP
- Social services, who's workload is increased (and cost increased) through working with adults with poor language skills. (We provide lessons specifically around reporting repair requirements in housing and completing forms.)
- Local health services (GPs, midwives, nurses, pharmacists etc.). The improvement of language skills reduces the reliance for the health services on language line (at great cost) and enables adults to be more confident in seeking health care. (We have pregnant students where we have provided specific skills on the language needed around birth. We provide specific lessons around understanding instructions on pharmacy labels, making appointments with doctors and dentists etc.)
- Skilled workers who are unable to contribute their skills to the local community due to inadequate language skills (e.g. foreign qualified nurses, midwives and skilled

staff). We have doctors and nurses who currently are either not working or are working, for example, in laundries and the fishing industry, despite the critical situation locally requiring healthcare workers.

- Socially isolated older people who are unable to communicate with their neighbours, participate in social groups or perform daily life skills such as shopping, attending the doctor etc. (We have elderly learners who have been able to have simple conversations with their neighbours as a result of classes. Likewise we have learners with learning difficulties who's only interaction with people outside of the home, is at their ESOL class)

(Information gathered during initial language assessment interviews when students are asked the reason for wanting to improve their language skills, and through the annual survey of the service)

Although all students are over the age of 16, the demographic profile ranges from younger students with lower-education in their home country to students who are highly-qualified to people who have moved with family. The reasons for moving are mixed between migration for economic purposes , safety for their children, better life opportunities etc.

The ability to speak English promotes wider participation in the local community, reduces barriers and promotes understanding of different religious and cultural beliefs. In a relatively rural environment such as Moray, this is critical. People are naturally suspicious due to our relatively low exposure to "outsiders" therefore the benefit of enabling people to even be able to communicate socially should not be underestimated.

#### **Evidence base for assessment** *(see note 4)*

Please cite any quantitative and qualitative evidence relating to groups having different needs, experiences or attitudes in relation to this policy/activity. What baseline evidence do you have already for this policy/activity?

Describe briefly the evidence you will draw on to inform this EIA.

- Existing service user profiles
- Requirements and skills identified from initial language assessments
- Annual service surveys
- Adults (over age of 16) who do not have English as their 1<sup>st</sup> language but who's language capabilities are assessed as below National 4 (Intermediate 1)
- Highly educated and poorly educated
- Disabled and not-disabled
- Black, Caucasian, Asian, Hispanic

A consultation was held with service users and referral agencies during March/April 2019. The purpose of the consultation was to get a better insight into how removing the service

would affect service users and to identify ways of mitigating the impacts. The council's Community Support Unit led the consultation in order to ensure that this was carried out in accordance with the national standards for community engagement as set by the Scottish Community Development Centre. The council's Research and Information Officers gave support with the survey design and analysis. The results have been used to inform this EIA.

### **Engagement and consultation** *(see note 5)*

Thinking about people inside the council, partners and the wider community use the table below to outline any previous engagement or consultation which is relevant to this policy/activity.

<b>Protected groups</b>	<b>Engagement and consultation</b>
Race	√
Disability	
Carers (for elderly, disabled or minors)	
Gender or gender identify/gender reassignment	
Pregnancy and maternity (including breastfeeding)	
Sexual orientation	
Age (include children, young people, midlife and older people)	
Religion, faith and belief	√
Marriage or civil partnership	
Human rights	√
Socio- economic disadvantage (low income, deprived area, rural or remote area)	√
Inequalities of outcome (poorer outcomes for certain people or communities)	√

Staff	
Partners/contractors	
Other	

**Procurement and partnerships** *(see note 6)*

Is this policy/activity currently or anticipated to be carried out wholly or partly by contractors or other partners? Are they aware of their obligations to address equalities?

Briefly explain:

No.

Currently Moray College and Moray Council are the only providers of ESOL in Moray (other than private individuals). Moray College specifically offers ESOL classes to more advanced learners (i.e. individuals who have a higher level of English language skills) which one could argue are less needy as they are already able to converse, work and integrate. Moray College also only offer classes in the evening due to both teacher and classroom shortages which would not accommodate our students who are shift workers or parents of children at school or nursery – the most needy group of individuals for ESOL in Moray. Moray College also only currently offers classes for larger numbers of learners.

It does not currently provide a community-based learning offering.

Moray Council provides the co-ordination of the ESOL service and Moray College provides the tutors. Following discussion the College has confirmed it will not undertake the co-ordination if the Council withdraws this part of the service.

**Evidence gaps** *(see note 7)*

Are there any significant gaps in the known evidence base, engagement or procurement that would prevent this EIA being completed? If so, you will need to address the gaps before finalising this EIA. Please go to Appendix 1 to assist you in developing a work plan to address the gaps.

**NA**

**Who is affected and what is the impact?** *(see note 8)*

From this evidence or engagement you have already, list how this policy/activity might impact equality and/or the elimination of discrimination for each of the equality groups. The impacts on the groups below are as noted above in this EIA.

Protected Groups	Positive	Negative
Race		√
Disability		
Carers (for elderly, disabled or minors)		
Gender or gender identify/gender reassignment		
Pregnancy and maternity (including breastfeeding)		
Sexual orientation		
Age (include children, young people, midlife and older people)		
Religion, faith and belief		√
Marriage or civil partnership		
Human rights		
Socio- economic disadvantage (low income, deprived area, rural or remote area)		√
Inequalities of outcome (poorer outcomes for certain people or communities)		√
Whole population (universal service)		
Staff		
Partners/contractors		
Other		

**Summary of impacts** *(see note 9)*

Summarise the impacts of the policy/activity and resulting activities affect different communities and groups.

***Does it create positive impacts? No***

Please explain

There is no service advantage to eliminating the role of the ESOL project coordinator and by virtue of eliminating the coordinator role, the entire ESOL program, which is funded by the SFC.

However, the saving assists the council in managing its budget within the funds available to it.

***Does it create negative disadvantage or inequalities? Yes***

Please explain

The following people will be impacted by this change:

- Parents with children at school who are unable to:
  - communicate with teachers, other parents and specialist services
  - assist children with their assigned schoolwork
- Employable people who are unable to secure work due to poor language skills, and therefore rely on social services and DWP
- Social services, whose workload is increased (and cost increased) through working with adults with poor language skills. (We provide lessons specifically around reporting repair requirements in housing and completing forms.)
- Local health services (GPs, midwives, nurses, pharmacists etc.). The improvement of language skills reduces the reliance for the health services on language line (at great cost) and enables adults to be more confident in seeking health care. (We have pregnant students where we have provided specific skills on the language needed around birth. We provide specific lessons around understanding instructions on pharmacy labels, making appointments with doctors and dentists etc.)
- Skilled workers who are unable to contribute their skills to the local community due to inadequate language skills (e.g. foreign qualified nurses, midwives and skilled staff). We have doctors and nurses who currently are either not working or are working, for example, in laundries and the fishing industry, despite the critical situation locally requiring healthcare workers.
- Socially isolated older people who are unable to communicate with their neighbours, participate in social groups or perform daily life skills such as shopping, attending the doctor etc. (We have elderly learners who have been able to have simple conversations with their neighbours as a result of classes. Likewise we have learners with learning difficulties who's only interaction with people outside of the home, is at their ESOL class)

The above information was gathered during initial language assessment interviews when students are asked the reason for wanting to improve their language skills, and through the annual survey of the service.



These impacts were confirmed during the consultation with the ESOL service users. Of those interviewed, 22 were currently in employment and 22 were not. Of those who are in employment 63% stated that ESOL helped them get a job and 59% that it helped them get a better job.<sup>1</sup> 86% of them said that they needed to be able to speak or read English at work.

There was a strong feeling among the ESOL participants that, where applicable, ESOL had helped them

- Communicate with their child's teacher
- Understand their child's homework
- Meet and integrate with other parents
- Participate in local activities
- Communicate with neighbours and/or work colleagues
- Feel more involved with the community

These responses indicate that ESOL has an impact not only on the public sector duty of promoting equality of opportunity, but also on the duty to foster good relations between groups who differ on the grounds of race.

In 2017 Moray Council stated as one of its equality outcomes to support Syrian families in being able to successfully pass their citizenship test by the end of their 5 residence in Moray. This is currently supported by ESOL. At present, none of the families are at a stage where their command of English is sufficient to achieve this.

***If you have indicated there is a negative impact on any group, is that impact*** (see note 8):

**Legal? Yes**

Please explain

**Local authorities have discretion as to how to deliver this service.**

**Intended? No**

Please explain

Removing the ESOL service will impact users negatively.

**Mitigating action** (see note 10)

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<sup>1</sup> Participants could select more than one answer.

*Can the impact of the proposed policy/activity be mitigated?* **NO**

Please explain

The tutors that Moray Council uses for ESOL are not funded by Moray Council. The only post that is funded by Moray Council is the 19.6 hours/week for the Coordinator.

There are currently 2 distinct groups of learners and 2 distinct sources of finance that provide the funding for tutors.

- 1) The funding that flows from the Scottish Funding Council (SFC) through the college to Moray Council is used for the general migrant population and funds the classes provided in Buckie and Elgin.
- 2) The funding that comes via Syrian Vulnerable Person Resettlement Scheme (SVPRS) to fund the refugees that settled in Moray is paid directly to Moray Council and is apportioned over the total needs of the refugees, including an apportionment for ESOL tuition. This currently provides 8 hours of teaching across 3 classes for the refugees remaining in Forres.

It was requested that Moray College provide the community ESOL classes to the groups currently serviced in Elgin, Forres and Buckie. They have stated that they are unable to accommodate the flexibility that the council provides, the council cannot influence whether the college would sustain the service in the long-term.

Impact on people with poor English language skills. Will affect employment opportunities and access to vital services. Talks were held with Moray College to see if it could take on the ESOL tutors. Moray College have indicated that they may take on the one class that is at a higher level (National 4) and could fit with their delivery and feed into their courses. The possibility of charging for this service is being considered but will depend on the terms and conditions of the funding that is provided for the delivery of ESOL through Scottish Funding Council to Moray College. There is no alternative offer for entry level English classes for speakers of other languages.

What practical actions do you recommend to reduce, justify or remove any adverse/negative impact? If more than one action, please list them in the action plan in appendix 2.

There is likely to be a greater reliance on interpretation and translation in order to ensure that those with a limited command of English still have access to our services and information.

Language line, where interpretation is offered over the phone, is often the cheaper and easier alternative for short, unscheduled meetings. Many ESOL users have, however, expressed they're not comfortable using this for more private issues, such as medical appointments.

1. Other alternatives that were discussed with the ESOL users were: Paying for the service. The majority of those interviewed said that they would be prepared to pay for the service, depending on the cost. It is unlikely that it would be feasible to do this on a cost-recovery basis. Also, half of those interviewed are currently not in employment.
2. Restricting ESOL classes geographically, for example Elgin only. This means that people would have to travel more in order to be able to attend classes. Only a third of those interviewed indicated that they would be willing to travel to Elgin.
3. Restricting class timings (evenings or daytime only). Some ESOL users currently attend during the day, others at night. The responses indicate that if classes were held during the day only, about 25% would be unable to attend. If classes were to be held during the evenings only, about 40% would be unable to attend.

**Justification** (see note 11)

From the evidence you have and the impacts identified, what are the key risks (the harm or 'adverse impacts') and opportunities (benefits and opportunities to promote equality) this policy/practice/activity might present?

The risk to reducing this post is:

- Increased cost to other services: Increased use of language line by health services and education services
- Increased reliance on social services and DWP: Reduced opportunity for adults to contribute to the local economy
- Poorer experience of education and impact on children: Reduction in the quality of interaction between parents and schools
- Reduced potential to contribute to the local economy: Lost opportunity for skilled workers to find employment

The cost of interpretation services was around £24,000 for 2018. There could be an increased requirement if service users do not find another means to learn English and choose not to or cannot ask a friend or family member to assist.

The proposals offer opportunities to promote equality through this service as they would lead to the removal of the service. However, other council services can continue with this role.

Keeping in mind the proportionality of any action proposed to mitigate the impact, describe the scale and likelihood of these risks.

- The impact will affect a relatively small but very vulnerable group.

If nothing can be done to reduce the negative impact(s) but the proposed policy/activity must go ahead, what justification is there to continue with the change?

- A reduction in the council budget in order to assist in reaching a balanced budget, although this excludes any potential follow-on impact to other services (internal and external)

There could be a greater reliance on interpretation and translation in order to ensure that those with a limited command of English still have access to our services and information.

Language line, where interpretation is offered over the phone, is often the cheaper and easier alternative for short, unscheduled meetings. Many ESOL users have, however, expressed they're not comfortable using this for more private issues, such as medical appointments.

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service. The majority of those interviewed said that they would be prepared to pay for the service, depending on the cost. It is unlikely that it would be feasible to do this on a cost-recovery basis. Also, half of those interviewed are currently not in employment.

2. Restricting ESOL classes geographically, for example Elgin only. This means that people would have to travel more in order to be able to attend classes. Only a third of those interviewed indicated that they would be willing to travel to Elgin.
3. Restricting class timings (evenings or daytime only). Some ESOL users currently attend during the day, others at night. The responses indicate that if classes were held during the day only, about 25% would be unable to attend. If classes were to be held during the evenings only, about 40% would be unable to attend.
4. Service users may find alternative to assist with learning English and / or interpretation e.g. families, friends, employer, other community contacts.

The proposal to remove the co-ordinator post has been made as part of the Council's overall package of savings to balance its budget. The ESOL service is not statutory and so the Council can determine whether and the extent to which it provides this service. This service affects relatively a small number of the local community (around 100). The Council has relied on several, low financial value proposals to be able to generate sufficient savings to meet its statutory duty to set a balanced budget. Given the extent of the financial challenges this savings makes a vital contribution to that position and taking account of the equality impact it is considered to be a proportionate measure to achieve the Council's need to balance its budget.

## SECTION 3 CONCLUDING THE EIA

### Concluding the EIA (see note 12)

Summarise your findings and give an overview of whether the policy will meet the council's responsibilities in relation to equality and human rights referring to the four possible outcomes.

The savings to Moray Council, equal to 19.6 hours/week of a Grade 8 employee, impacts the income of 5 further employees of Moray Council (who are funded by the SFC in their entirety) and approximately 100-120 Moray residents, on a rolling basis. If service users do not find alternative means to learn English or be supported with their language skills, it is possible that there would be increased language costs to the council and other external services in the form of interpretation and translation cost as well as indirectly in that it will be more difficult for users of ESOL services to progress to more independence from services and benefits.

The proposals have a negative impact on the public sector equality duty to

- promote equality of opportunity on the grounds of race
- foster good relations between groups that are different on the grounds of race.

We have been unable to identify mitigating actions that remove the impacts fully.

Consideration must be given to whether this proposal is a proportionate response to the Council's financial situation given the equality impact.

Given the impact on relatively low numbers; the potential for users to self-support and the non-statutory nature of the service, the proposal to remove the co-ordination post is considered proportionate and reasonable in the circumstances.

### Decision

Set out the rationale for deciding whether or not to proceed with the proposal(s)

**Date of Decision:** 12/...04/2019

### Sign off and authorisation:

<b>Service</b>	LLCS/Libraries
<b>Department</b>	Education & Social Care
<b>Policy/activity subject to EIA</b>	ESOL
We have completed the equality impact assessment for this policy/activity.	Name: Sheila Campbell Position: Principal Librarian Date: 12 April, 2019

Authorisation by head of service or director.	Name: Graham Jarvis Position: Acting Director of Education & Social Care Date: 12/4/19
Please return this form to the Equal Opportunities Officer, Chief Executive's Office.	

## Appendix 1: evidence gaps

### **Evidence gaps** *(see note 13)*

Have you got a 'baseline' position and understanding of the service users and their views? If not what would be needed to complete that baseline? How do you plan to obtain that evidence?

### **Engagement and consultation** *(see note 14)*

Do you need to further engagement with your stakeholders before the policy/activity can be considered? If so, what is needed and how do you plan to undertake the engagement?

### **Procurement and partnerships** *(see note 15)*

Have you done any work to include equality and human rights considerations into the contracts already? If not, consider steps you can take to build into all stages of the procurement process the requirement to consider the general equality duties and equality more broadly.

### **Additional research**

Do you need any additional research or data to fill any gaps in your understanding of the potential or known effects of the policy? Have you considered commissioning new data or research?



## Appendix 2: mitigating action – action plan

### Action plan *(see note 16)*

<b>Describe the actions/measures you will put in place to reduce these negative impact(s).</b>
<b>Action/measure: 1</b>
Describe how this action/measure will reduce impact.
1) .
State whether this action/measure will completely or partially reduce impact.
Describe how you will know whether this action/measure has had the desired effect i.e. how will you be able to demonstrate that the negative impact(s) has been reduced?
When will the impact of this action/measure be reviewed?
Who will be responsible for this action/measure?
<b>Action/measure: 2</b>
Describe how this action/measure will reduce impact.
State whether this action/measure will completely or partially reduce impact.
Describe how this action/measure will reduce impact.
Describe how you will know whether this action/measure has had the desired effect.
Who will be responsible for this action/measure?

When will the impact of this action/measure be reviewed?
<b>Action/measure: 3</b>
Describe how this action/measure will reduce impact.
State whether this action/measure will completely or partially reduce impact.
Describe how this action/measure will reduce impact.
Describe how you will know whether this action/measure has had the desired effect.
Who will be responsible for this action/measure?
When will the impact of this action/measure be reviewed?

**SECTION 1 - DO I NEED AN EIA?****DO I NEED AN EIA?** *(see note 1)***Name of policy/activity**

A13a4 Essential Skills 100% Savings

Please choose one of the following:

Is this a:

- New policy/activity?
- Existing policy/activity?
- Budget proposal/change for this policy/activity? ✓
- Pilot programme or project?

**Decision**

Remove the Essential Skills Service.

The service is aimed at adults who have no qualifications at national level 4 and above, a level that is needed to access further education. During 2017-18 the service supported 256 adults.

EIA Required – YES

**Date of Decision:** 12/04/2019

**If undertaking an EIA please continue onto the Section 2. If not, pass this signed form to the Equalities Officer.**

## SECTION 2: EQUALITY IMPACT ASSESSMENT

### **General Information**

#### **Assessment undertaken by** *(please complete as appropriate)*

Director or Head of Service	Graham Jarvis, Acting Director of Education and Social Care
Lead Officer for developing the policy/activity	Sheila Campbell, Principal Librarian
Other people involved in the screening (this may council staff, partner or others i.e contractor, partner or community)	Moira Strathdee, Essential Skills Development Officer

#### **Brief description of policy/activity**

Describe the policy/activity *(see note 2)*:

Already approved:

Remove 18 hr post of Youth Literacies Worker - This post has been deleted

Remove 18.7 hr post of Adult Learning Co-ordinator (Forres and Lossiemouth)- This post is still in place due to the agreed consultation process

Additional:

Remove 15.3 hr post of Adult Learning Co-ordinator (Keith and Speyside)- This post is vacant

Remove 22 hr post of Adult Learning Co-ordinator (Buckie)

Remove 30 hrs Adult Learning Co-ordinator post for Elgin (0.83 Fte)

Remove full-time post of Essential Skills Development Officer (1.0 Fte)

Remove supplies and services

Who are your main stakeholders? *(see note 3)*

The Essential Skills Service provides an adult literacies learning service which is not offered by other providers. Our main stakeholders are adults with no qualifications at national 4 and above. This service offers learning in skills for everyday life for employment, health and wellbeing as an individual as well as a family member, worker and community member.

This includes:

- Reading with understanding
- Writing so others can understand

- Communicating, using a variety of media for everyday life
- Using numbers e.g. managing money, making informed choices
- Making informed choices and expressing ideas and opinions
- Gaining the confidence to support children's learning

As an SQA centre, Essential Skills offers support to learners to work towards SQA accreditation which can open the door to further education at college well as help with increasing employability. It provides support to adults working towards other types of accreditation to increase their employability e.g. SVQs, driving theory and Construction Skills Certificate Scheme.

The ES service is not just about delivering a course, it is person-centred and helps adults who have had previous negative learning experiences develop the skills to become reliable, organise their time, overcome barriers, become independent learners as they learn to make time for study and practice their developing skills, develop the motivation to succeed and make plans for positive change in their lives.

Other stakeholders are partners who currently refer their clients to this service. The majority of learners are referred by DWP, Employment Support, Health, Social Work and Criminal Justice. The removal of the service will limit the opportunities available to their clients.

#### **Evidence base for assessment** *(see note 4)*

Please cite any quantitative and qualitative evidence relating to groups having different needs, experiences or attitudes in relation to this policy/activity. What baseline evidence do you have already for this policy/activity?

Describe briefly the evidence you will draw on to inform this EIA.

13% of learners fit in learning around a full time job, 7% work parttime; 28% are right at the beginning of the employability pipeline where they need to work on their skills before being ready to work and 28% are unemployed, looking for work and working on their skills to improve the options available to them. Essential Skills offers learning opportunities not provided by other agencies.

Consistently over the last three years an average of 43% of learners are aged 16-25. This service is helping young adults learn how to learn; how to enjoy learning and the benefits of it.

70% of learners make progress and achieve their learning goals.

The Essential Skills Service delivers adult learning across Moray with 54% of learners living outwith Elgin.

Information on service users and evidence of achievement/outcomes

The census 2011 highlighted that 26.7% of the adult population in Moray have no qualifications.

A consultation was held with service users and referral agencies during March/April 2019. The purpose of the consultation was to get a better insight into how removing the service would affect service users and to identify ways of mitigating the impacts. The council's Community Support Unit led the consultation in order to ensure that this was carried out in accordance with the national standards for community engagement as set by the Scottish Community Development Centre. The council's Research and Information Officers gave support with the survey design and analysis.

The results have been used to inform this EIA.

### **Engagement and consultation** *(see note 5)*

Thinking about people inside the council, partners and the wider community use the table below to outline any previous engagement or consultation which is relevant to this policy/activity.

<b>Protected groups</b>	<b>Engagement and consultation</b>
Race	
Disability	√
Carers (for elderly, disabled or minors)	
Gender or gender identify/gender reassignment	
Pregnancy and maternity (including breastfeeding)	
Sexual orientation	
Age (include children, young people, midlife and older people)	
Religion, faith and belief	
Marriage or civil partnership	
Human rights	
Socio- economic disadvantage (low	

income, deprived area, rural or remote area)	√
Inequalities of outcome (poorer outcomes for certain people or communities)	√
Staff	
Partners/contractors	
Other	

**Procurement and partnerships** *(see note 6)*

Is this policy/activity currently or anticipated to be carried out wholly or partly by contractors or other partners? Are they aware of their obligations to address equalities?

Briefly explain:

N/A

**Evidence gaps** *(see note 7)*

Are there any significant gaps in the known evidence base, engagement or procurement that would prevent this EIA being completed? If so, you will need to address the gaps before finalising this EIA. Please go to Appendix 1 to assist you in developing a work plan to address the gaps.

NA



**Who is affected and what is the impact?** *(see note 8)*

From this evidence or engagement you have already, list how this policy/activity might impact equality and/or the elimination of discrimination for each of the equality groups. Impact across groups identified below is set out in the next section.

Protected Groups	Positive	Negative
Race		
Disability		√
Carers (for elderly, disabled or minors)		
Gender or gender identify/gender reassignment		
Pregnancy and maternity (including breastfeeding)		
Sexual orientation		
Age (include children, young people, midlife and older people)		
Religion, faith and belief		
Marriage or civil partnership		
Human rights		
Socio- economic disadvantage (low income, deprived area, rural or remote area)		√
Inequalities of outcome (poorer outcomes for certain people or communities)		√
Whole population (universal service)		
Staff		
Partners/contractors		
Other		

**Summary of impacts** *(see note 9)*

Summarise the impacts of the policy/activity and resulting activities affect different communities and groups.

***Does it create positive impacts? No***

Please explain

The proposal means the removal of a service.

***Does it create negative disadvantage or inequalities? Yes***

Please explain

Essential Skills gives adults the skills they need to access further education, employment or even basic services. It will be almost impossible for individuals who need support with basic literacy and numeracy to source an alternative provider unless they are already literate and numerate and require additional support to undertake a college course.

LEAD Scotland advertise that they provide support to adults over 16, resident in Moray, who identify as disabled or a carer, to improve their reading, writing and number handling. The focus of their work is digital literacy. The needs of the users of Essential Skills are more diverse and the Essential Skills service is set up to provide a person-centred service.

53% of users of Essential Skills services are looking for work.

Over the last 3 years the number of service users in the age group between 16 and 24 has been consistently high at just over 40%. There has recently been a significant drop in the number of pupils staying on in secondary education beyond S4.

The consultation highlighted that a high proportion (more than half) of the service users interviewed had left school with limited or no qualifications.

Many of those interviewed indicated that their ability to learn was affected by lack of confidence or anxiety issues. Almost all of those interviewed said that their contact with the Essential Skills Service had improved their confidence, their self esteem, given them a purpose in life and helped them to gain qualifications.

A significant proportion also said it helped them gain independence, be better organized in life and helped support their child with their learning.

***If you have indicated there is a negative impact on any group, is that impact (see note 8):***

**Legal? Yes/No**

Please explain

**Local authorities have discretion as to how to deliver the service.**

**Intended? Yes/No**

Please explain

The impact is a result of the need to make financial savings across all council services.

**Mitigating action** (see note 10)

*Can the impact of the proposed policy/activity be mitigated?* No

Please explain

This is not a service that is available free of charge unless an individual is registering for a college course or eligible to access support through LEAD Scotland. College courses require qualifications at national level 4 or above.

Mitigation through other organisations such as LEAD is unlikely. There was some consideration given to the possibility of charging for the service. Nearly half of those service users interviewed have indicated that they are prepared to pay for the service. However, the literacy learners would be unable to pay for their support/learning. Generally speaking they are unemployed people who are trying to improve their literacy and numeracy skills in order to improve their chances of gaining employment or to gain credits towards the base level entry requirements for access to college.

Service users would have to find means of self-support such as family, friends or other community support. However, this is likely to be less formal and less effective.

What practical actions do you recommend to reduce, justify or remove any adverse/negative impact? If more than one action, please list them in the action plan in appendix 2.

In the long term, one way of removing any negative impact would be to reduce the number of pupils who leave education at 16 without suitable qualifications. The information from this EIA will be passed to the schools service for consideration and appropriate action but recommending actions to make this happen is outwith the scope of this EIA.

**Justification** (see note 11)

From the evidence you have and the impacts identified, what are the key risks (the harm or 'adverse impacts') and opportunities (benefits and opportunities to promote equality) this policy/practice/activity might present?

Recent staying-on rates for secondary pupils show a significant drop in pupils in Moray staying on in S5.

Individuals who do not have basic literacy and numeracy skills will be unable to learn or improve these skills to support their children's learning, fully function in everyday life, improve their life and employment chances and complete essential forms. They will be unable to fully participate in society.

The proposals offer no opportunity for promoting equal opportunities.

Keeping in mind the proportionality of any action proposed to mitigate the impact, describe the scale and likelihood of these risks.

The risks are very high given that no alternative provision is in place for the users of Essential Skills Service.

If nothing can be done to reduce the negative impact(s) but the proposed policy/activity must go ahead, what justification is there to continue with the change?

Financial challenge faced by the council, however, consideration should be given to the potential follow-on impact to other services (internal and external).

The proposal has been made as part of the Council's overall package of savings to balance its budget. The Essential Skills service is not statutory and so the Council can determine whether and the extent to which it provides this service. This service affects relatively a small number of the local community (around 250). The Council has a statutory duty to set a balanced budget. Given the extent of the financial challenges this saving makes a vital contribution to that position and taking account of the equality impact it is considered to be a proportionate measure to achieve the Council's need to balance its budget.

## SECTION 3 CONCLUDING THE EIA

### **Concluding the EIA** *(see note 12)*

Summarise your findings and give an overview of whether the policy will meet the council's responsibilities in relation to equality and human rights referring to the four possible outcomes.

The proposal has negative impacts on people with a disability and on the need to reduce inequalities that are a result of socio-economic differences. It particularly affects those who have low attainment in education.

There are limited local authority led service alternatives in place to remove the negative impacts.

Consideration must be given to whether this proposal is a proportionate response to the Council's financial situation given the equality impact.

Given the impact on relatively low numbers of the community; the potential for users to self-support and the non-statutory nature of the service, the proposal to remove the service is considered proportionate and reasonable in the circumstances.

### **Decision**

Set out the rationale for deciding whether or not to proceed with the proposal(s)

**Date of Decision:** 12/04/2019

### **Sign off and authorisation:**

<b>Service</b>	Lifelong Learning, Culture and Sport
<b>Department</b>	Education and Social Care
<b>Policy/activity subject to EIA</b>	Essential Skills
We have completed the equality impact assessment for this policy/activity.	Name: Sheila Campbell Position: Principal Librarian Date: 19
Authorisation by head of service or director.	Name: Graham Jarvis Position: Acting Director of Education & Social Care Date: 12/4/19
Please return this form to the Equal Opportunities Officer, Chief Executive's Office.	

## Appendix 1: evidence gaps

### **Evidence gaps** *(see note 13)*

Have you got a 'baseline' position and understanding of the service users and their views? If not what would be needed to complete that baseline? How do you plan to obtain that evidence?

### **Engagement and consultation** *(see note 14)*

Do you need to further engagement with your stakeholders before the policy/activity can be considered? If so, what is needed and how do you plan to undertake the engagement?

### **Procurement and partnerships** *(see note 15)*

Have you done any work to include equality and human rights considerations into the contracts already? If not, consider steps you can take to build into all stages of the procurement process the requirement to consider the general equality duties and equality more broadly.

### **Additional research**

Do you need any additional research or data to fill any gaps in your understanding of the potential or known effects of the policy? Have you considered commissioning new data or research?

## Appendix 2: mitigating action – action plan

### Action plan *(see note 16)*

<b>Describe the actions/measures you will put in place to reduce these negative impact(s).</b>
<b>Action/measure: 1</b>
Describe how this action/measure will reduce impact.
State whether this action/measure will completely or partially reduce impact.
Describe how you will know whether this action/measure has had the desired effect i.e. how will you be able to demonstrate that the negative impact(s) has been reduced?
When will the impact of this action/measure be reviewed?
Who will be responsible for this action/measure?
<b>Action/measure: 2</b>
Describe how this action/measure will reduce impact.
State whether this action/measure will completely or partially reduce impact.
Describe how this action/measure will reduce impact.
Describe how you will know whether this action/measure has had the desired effect.

Who will be responsible for this action/measure?
When will the impact of this action/measure be reviewed?
<b>Action/measure: 3</b>
Describe how this action/measure will reduce impact.
State whether this action/measure will completely or partially reduce impact.
Describe how this action/measure will reduce impact.
Describe how you will know whether this action/measure has had the desired effect.
Who will be responsible for this action/measure?
When will the impact of this action/measure be reviewed?



**SECTION 1 - DO I NEED AN EIA?****DO I NEED AN EIA?** *(see note 1)***Name of policy/activity**

A13b4 ESOL 100%

Please choose one of the following:

Is this a:

- New policy/activity?
- Existing policy/activity?
- Budget proposal/change for this policy/activity? ✓
- Pilot programme or project?

**Decision**

Set out the rationale for deciding whether or not to proceed to an Equality Impact Assessment (EIA)

Remove the post of ESOL Project Coordinator.

Alternative methods of delivery will be pursued.

May impact on protected groups, already disadvantaged citizens of Moray (through their inability to access social services, health care, education and job opportunities due to their lack of English skills) and staff.

Deletion of this post may have a knock-on effect on more than 100 local residents and 5 tutors (who are funded from non-Moray Council funds). This means that the service will no longer be delivered by Moray Council.

EIA Required – YES

**Date of Decision:** 12/04/2019

**If undertaking an EIA please continue onto the Section 2. If not, pass this signed form to the Equalities Officer.**

## SECTION 2: EQUALITY IMPACT ASSESSMENT

### **General Information**

#### **Assessment undertaken by** *(please complete as appropriate)*

Director or Head of Service	Graham Jarvis, Acting Director of Education and Social Care
Lead Officer for developing the policy/activity	Sheila Campbell, Principal Librarian
Other people involved in the screening (this may council staff, partner or others i.e contractor, partner or community)	Lorna Ross, ESOL Project Co-ordinator

#### **Brief description of policy/activity**

Describe the policy/activity *(see note 2)*:

Reduce post of ESOL Project Co-ordinator by 100% = 19.6 hours per week.

Who are your main stakeholders? *(see note 3)*

Moray residents who do not have English as their first language and wish to learn, or improve, their English reading, writing, listening and speaking skills.

These include:

- Parents with children at school who are unable to:
  - communicate with teachers, other parents and specialist services
  - assist children with their assigned schoolwork
- Employable people who are unable to secure work due to poor language skills, and are therefore a burden on social services and DWP
- Social services, who's workload is increased (and cost increased) through working with adults with poor language skills. (We provide lessons specifically around reporting repair requirements in housing and completing forms.)
- Local health services (GPs, midwives, nurses, pharmacists etc.). The improvement of language skills reduces the reliance for the health services on language line (at great cost) and enables adults to be more confident in seeking health care. (We have pregnant students where we have provided specific skills on the language needed around birth. We provide specific lessons around understanding instructions on pharmacy labels, making appointments with doctors and dentists etc.)
- Skilled workers who are unable to contribute their skills to the local community due to inadequate language skills (e.g. foreign qualified nurses, midwives and skilled

staff). We have doctors and nurses who currently are either not working or are working, for example, in laundries and the fishing industry, despite the critical situation locally requiring healthcare workers.

- Socially isolated older people who are unable to communicate with their neighbours, participate in social groups or perform daily life skills such as shopping, attending the doctor etc. (We have elderly learners who have been able to have simple conversations with their neighbours as a result of classes. Likewise we have learners with learning difficulties who's only interaction with people outside of the home, is at their ESOL class)

(Information gathered during initial language assessment interviews when students are asked the reason for wanting to improve their language skills, and through the annual survey of the service)

Although all students are over the age of 16, the demographic profile ranges from younger students with lower-education in their home country to students who are highly-qualified to people who have moved with family. The reasons for moving are mixed between migration for economic purposes , safety for their children, better life opportunities etc.

The ability to speak English promotes wider participation in the local community, reduces barriers and promotes understanding of different religious and cultural beliefs. In a relatively rural environment such as Moray, this is critical. People are naturally suspicious due to our relatively low exposure to "outsiders" therefore the benefit of enabling people to even be able to communicate socially should not be underestimated.

#### **Evidence base for assessment** *(see note 4)*

Please cite any quantitative and qualitative evidence relating to groups having different needs, experiences or attitudes in relation to this policy/activity. What baseline evidence do you have already for this policy/activity?

Describe briefly the evidence you will draw on to inform this EIA.

- Existing service user profiles
- Requirements and skills identified from initial language assessments
- Annual service surveys
- Adults (over age of 16) who do not have English as their 1<sup>st</sup> language but who's language capabilities are assessed as below National 4 (Intermediate 1)
- Highly educated and poorly educated
- Disabled and not-disabled
- Black, Caucasian, Asian, Hispanic

A consultation was held with service users and referral agencies during March/April 2019. The purpose of the consultation was to get a better insight into how removing the service

would affect service users and to identify ways of mitigating the impacts. The council's Community Support Unit led the consultation in order to ensure that this was carried out in accordance with the national standards for community engagement as set by the Scottish Community Development Centre. The council's Research and Information Officers gave support with the survey design and analysis. The results have been used to inform this EIA.

### **Engagement and consultation** *(see note 5)*

Thinking about people inside the council, partners and the wider community use the table below to outline any previous engagement or consultation which is relevant to this policy/activity.

<b>Protected groups</b>	<b>Engagement and consultation</b>
Race	√
Disability	
Carers (for elderly, disabled or minors)	
Gender or gender identify/gender reassignment	
Pregnancy and maternity (including breastfeeding)	
Sexual orientation	
Age (include children, young people, midlife and older people)	
Religion, faith and belief	√
Marriage or civil partnership	
Human rights	√
Socio- economic disadvantage (low income, deprived area, rural or remote area)	√
Inequalities of outcome (poorer outcomes for certain people or communities)	√

Staff	
Partners/contractors	
Other	

**Procurement and partnerships** *(see note 6)*

Is this policy/activity currently or anticipated to be carried out wholly or partly by contractors or other partners? Are they aware of their obligations to address equalities?

Briefly explain:

No.

Currently Moray College and Moray Council are the only providers of ESOL in Moray (other than private individuals). Moray College specifically offers ESOL classes to more advanced learners (i.e. individuals who have a higher level of English language skills) which one could argue are less needy as they are already able to converse, work and integrate. Moray College also only offer classes in the evening due to both teacher and classroom shortages which would not accommodate our students who are shift workers or parents of children at school or nursery – the most needy group of individuals for ESOL in Moray. Moray College also only currently offers classes for larger numbers of learners.

It does not currently provide a community-based learning offering.

Moray Council provides the co-ordination of the ESOL service and Moray College provides the tutors. Following discussion the College has confirmed it will not undertake the co-ordination if the Council withdraws this part of the service.

**Evidence gaps** *(see note 7)*

Are there any significant gaps in the known evidence base, engagement or procurement that would prevent this EIA being completed? If so, you will need to address the gaps before finalising this EIA. Please go to Appendix 1 to assist you in developing a work plan to address the gaps.

**NA**

**Who is affected and what is the impact?** *(see note 8)*

From this evidence or engagement you have already, list how this policy/activity might impact equality and/or the elimination of discrimination for each of the equality groups. The impacts on the groups below are as noted above in this EIA.

Protected Groups	Positive	Negative
Race		√
Disability		
Carers (for elderly, disabled or minors)		
Gender or gender identify/gender reassignment		
Pregnancy and maternity (including breastfeeding)		
Sexual orientation		
Age (include children, young people, midlife and older people)		
Religion, faith and belief		√
Marriage or civil partnership		
Human rights		
Socio- economic disadvantage (low income, deprived area, rural or remote area)		√
Inequalities of outcome (poorer outcomes for certain people or communities)		√
Whole population (universal service)		
Staff		
Partners/contractors		
Other		

**Summary of impacts** *(see note 9)*

Summarise the impacts of the policy/activity and resulting activities affect different communities and groups.

***Does it create positive impacts? No***

Please explain

There is no service advantage to eliminating the role of the ESOL project coordinator and by virtue of eliminating the coordinator role, the entire ESOL program, which is funded by the SFC.

However, the saving assists the council in managing its budget within the funds available to it.

***Does it create negative disadvantage or inequalities? Yes***

Please explain

The following people will be impacted by this change:

- Parents with children at school who are unable to:
  - communicate with teachers, other parents and specialist services
  - assist children with their assigned schoolwork
- Employable people who are unable to secure work due to poor language skills, and therefore rely on social services and DWP
- Social services, whose workload is increased (and cost increased) through working with adults with poor language skills. (We provide lessons specifically around reporting repair requirements in housing and completing forms.)
- Local health services (GPs, midwives, nurses, pharmacists etc.). The improvement of language skills reduces the reliance for the health services on language line (at great cost) and enables adults to be more confident in seeking health care. (We have pregnant students where we have provided specific skills on the language needed around birth. We provide specific lessons around understanding instructions on pharmacy labels, making appointments with doctors and dentists etc.)
- Skilled workers who are unable to contribute their skills to the local community due to inadequate language skills (e.g. foreign qualified nurses, midwives and skilled staff). We have doctors and nurses who currently are either not working or are working, for example, in laundries and the fishing industry, despite the critical situation locally requiring healthcare workers.
- Socially isolated older people who are unable to communicate with their neighbours, participate in social groups or perform daily life skills such as shopping, attending the doctor etc. (We have elderly learners who have been able to have simple conversations with their neighbours as a result of classes. Likewise we have learners with learning difficulties who's only interaction with people outside of the home, is at their ESOL class)

The above information was gathered during initial language assessment interviews when students are asked the reason for wanting to improve their language skills, and through the annual survey of the service.



These impacts were confirmed during the consultation with the ESOL service users. Of those interviewed, 22 were currently in employment and 22 were not. Of those who are in employment 63% stated that ESOL helped them get a job and 59% that it helped them get a better job.<sup>1</sup> 86% of them said that they needed to be able to speak or read English at work.

There was a strong feeling among the ESOL participants that, where applicable, ESOL had helped them

- Communicate with their child's teacher
- Understand their child's homework
- Meet and integrate with other parents
- Participate in local activities
- Communicate with neighbours and/or work colleagues
- Feel more involved with the community

These responses indicate that ESOL has an impact not only on the public sector duty of promoting equality of opportunity, but also on the duty to foster good relations between groups who differ on the grounds of race.

In 2017 Moray Council stated as one of its equality outcomes to support Syrian families in being able to successfully pass their citizenship test by the end of their 5 residence in Moray. This is currently supported by ESOL. At present, none of the families are at a stage where their command of English is sufficient to achieve this.

***If you have indicated there is a negative impact on any group, is that impact*** (see note 8):

**Legal? Yes**

Please explain

**Local authorities have discretion as to how to deliver this service.**

**Intended? No**

Please explain

Removing the ESOL service will impact users negatively.

**Mitigating action** (see note 10)

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<sup>1</sup> Participants could select more than one answer.

*Can the impact of the proposed policy/activity be mitigated?* **NO**

Please explain

The tutors that Moray Council uses for ESOL are not funded by Moray Council. The only post that is funded by Moray Council is the 19.6 hours/week for the Coordinator.

There are currently 2 distinct groups of learners and 2 distinct sources of finance that provide the funding for tutors.

- 1) The funding that flows from the Scottish Funding Council (SFC) through the college to Moray Council is used for the general migrant population and funds the classes provided in Buckie and Elgin.
- 2) The funding that comes via Syrian Vulnerable Person Resettlement Scheme (SVPRS) to fund the refugees that settled in Moray is paid directly to Moray Council and is apportioned over the total needs of the refugees, including an apportionment for ESOL tuition. This currently provides 8 hours of teaching across 3 classes for the refugees remaining in Forres.

It was requested that Moray College provide the community ESOL classes to the groups currently serviced in Elgin, Forres and Buckie. They have stated that they are unable to accommodate the flexibility that the council provides, the council cannot influence whether the college would sustain the service in the long-term.

Impact on people with poor English language skills. Will affect employment opportunities and access to vital services. Talks were held with Moray College to see if it could take on the ESOL tutors. Moray College have indicated that they may take on the one class that is at a higher level (National 4) and could fit with their delivery and feed into their courses. The possibility of charging for this service is being considered but will depend on the terms and conditions of the funding that is provided for the delivery of ESOL through Scottish Funding Council to Moray College. There is no alternative offer for entry level English classes for speakers of other languages.

What practical actions do you recommend to reduce, justify or remove any adverse/negative impact? If more than one action, please list them in the action plan in appendix 2.

There is likely to be a greater reliance on interpretation and translation in order to ensure that those with a limited command of English still have access to our services and information.

Language line, where interpretation is offered over the phone, is often the cheaper and easier alternative for short, unscheduled meetings. Many ESOL users have, however, expressed they're not comfortable using this for more private issues, such as medical appointments.

1. Other alternatives that were discussed with the ESOL users were: Paying for the service. The majority of those interviewed said that they would be prepared to pay for the service, depending on the cost. It is unlikely that it would be feasible to do this on a cost-recovery basis. Also, half of those interviewed are currently not in employment.
2. Restricting ESOL classes geographically, for example Elgin only. This means that people would have to travel more in order to be able to attend classes. Only a third of those interviewed indicated that they would be willing to travel to Elgin.
3. Restricting class timings (evenings or daytime only). Some ESOL users currently attend during the day, others at night. The responses indicate that if classes were held during the day only, about 25% would be unable to attend. If classes were to be held during the evenings only, about 40% would be unable to attend.

**Justification** (see note 11)

From the evidence you have and the impacts identified, what are the key risks (the harm or 'adverse impacts') and opportunities (benefits and opportunities to promote equality) this policy/practice/activity might present?

The risk to reducing this post is:

- Increased cost to other services: Increased use of language line by health services and education services
- Increased reliance on social services and DWP: Reduced opportunity for adults to contribute to the local economy
- Poorer experience of education and impact on children: Reduction in the quality of interaction between parents and schools
- Reduced potential to contribute to the local economy: Lost opportunity for skilled workers to find employment

The cost of interpretation services was around £24,000 for 2018. There could be an increased requirement if service users do not find another means to learn English and choose not to or cannot ask a friend or family member to assist.

The proposals offer opportunities to promote equality through this service as they would lead to the removal of the service. However, other council services can continue with this role.

Keeping in mind the proportionality of any action proposed to mitigate the impact, describe the scale and likelihood of these risks.

- The impact will affect a relatively small but very vulnerable group.

If nothing can be done to reduce the negative impact(s) but the proposed policy/activity must go ahead, what justification is there to continue with the change?

- A reduction in the council budget in order to assist in reaching a balanced budget, although this excludes any potential follow-on impact to other services (internal and external)

There could be a greater reliance on interpretation and translation in order to ensure that those with a limited command of English still have access to our services and information.

Language line, where interpretation is offered over the phone, is often the cheaper and easier alternative for short, unscheduled meetings. Many ESOL users have, however, expressed they're not comfortable using this for more private issues, such as medical appointments.

1. Other alternatives that were discussed with ESOL users were: Paying for the

service. The majority of those interviewed said that they would be prepared to pay for the service, depending on the cost. It is unlikely that it would be feasible to do this on a cost-recovery basis. Also, half of those interviewed are currently not in employment.

2. Restricting ESOL classes geographically, for example Elgin only. This means that people would have to travel more in order to be able to attend classes. Only a third of those interviewed indicated that they would be willing to travel to Elgin.
3. Restricting class timings (evenings or daytime only). Some ESOL users currently attend during the day, others at night. The responses indicate that if classes were held during the day only, about 25% would be unable to attend. If classes were to be held during the evenings only, about 40% would be unable to attend.
4. Service users may find alternative to assist with learning English and / or interpretation e.g. families, friends, employer, other community contacts.

The proposal to remove the co-ordinator post has been made as part of the Council's overall package of savings to balance its budget. The ESOL service is not statutory and so the Council can determine whether and the extent to which it provides this service. This service affects relatively a small number of the local community (around 100). The Council has relied on several, low financial value proposals to be able to generate sufficient savings to meet its statutory duty to set a balanced budget. Given the extent of the financial challenges this savings makes a vital contribution to that position and taking account of the equality impact it is considered to be a proportionate measure to achieve the Council's need to balance its budget.

## SECTION 3 CONCLUDING THE EIA

### Concluding the EIA (see note 12)

Summarise your findings and give an overview of whether the policy will meet the council's responsibilities in relation to equality and human rights referring to the four possible outcomes.

The savings to Moray Council, equal to 19.6 hours/week of a Grade 8 employee, impacts the income of 5 further employees of Moray College (who are funded by the SFC in their entirety) and approximately 100-120 Moray residents, on a rolling basis. If service users do not find alternative means to learn English or be supported with their language skills, it is possible that there would be increased language costs to the council and other external services in the form of interpretation and translation cost as well as indirectly in that it will be more difficult for users of ESOL services to progress to more independence from services and benefits.

The proposals have a negative impact on the public sector equality duty to

- promote equality of opportunity on the grounds of race
- foster good relations between groups that are different on the grounds of race.

We have been unable to identify mitigating actions that remove the impacts fully.

Consideration must be given to whether this proposal is a proportionate response to the Council's financial situation given the equality impact.

Given the impact on relatively low numbers; the potential for users to self-support and the non-statutory nature of the service, the proposal to remove the co-ordination post is considered proportionate and reasonable in the circumstances.

### Decision

Set out the rationale for deciding whether or not to proceed with the proposal(s)

**Date of Decision:** 12/...04/2019

### Sign off and authorisation:

<b>Service</b>	LLCS/Libraries
<b>Department</b>	Education & Social Care
<b>Policy/activity subject to EIA</b>	ESOL
We have completed the equality impact assessment for this policy/activity.	Name: Sheila Campbell Position: Principal Librarian Date: 12 April, 2019

Authorisation by head of service or director.	Name: Graham Jarvis Position: Acting Director of Education & Social Care Date: 12/4/19
Please return this form to the Equal Opportunities Officer, Chief Executive's Office.	

## Appendix 1: evidence gaps

### **Evidence gaps** *(see note 13)*

Have you got a 'baseline' position and understanding of the service users and their views? If not what would be needed to complete that baseline? How do you plan to obtain that evidence?

### **Engagement and consultation** *(see note 14)*

Do you need to further engagement with your stakeholders before the policy/activity can be considered? If so, what is needed and how do you plan to undertake the engagement?

### **Procurement and partnerships** *(see note 15)*

Have you done any work to include equality and human rights considerations into the contracts already? If not, consider steps you can take to build into all stages of the procurement process the requirement to consider the general equality duties and equality more broadly.

### **Additional research**

Do you need any additional research or data to fill any gaps in your understanding of the potential or known effects of the policy? Have you considered commissioning new data or research?



## Appendix 2: mitigating action – action plan

### Action plan *(see note 16)*

<b>Describe the actions/measures you will put in place to reduce these negative impact(s).</b>
<b>Action/measure: 1</b>
Describe how this action/measure will reduce impact.
1) .
State whether this action/measure will completely or partially reduce impact.
Describe how you will know whether this action/measure has had the desired effect i.e. how will you be able to demonstrate that the negative impact(s) has been reduced?
When will the impact of this action/measure be reviewed?
Who will be responsible for this action/measure?
<b>Action/measure: 2</b>
Describe how this action/measure will reduce impact.
State whether this action/measure will completely or partially reduce impact.
Describe how this action/measure will reduce impact.
Describe how you will know whether this action/measure has had the desired effect.
Who will be responsible for this action/measure?

When will the impact of this action/measure be reviewed?
<b>Action/measure: 3</b>
Describe how this action/measure will reduce impact.
State whether this action/measure will completely or partially reduce impact.
Describe how this action/measure will reduce impact.
Describe how you will know whether this action/measure has had the desired effect.
Who will be responsible for this action/measure?
When will the impact of this action/measure be reviewed?



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**REPORT TO: MORAY COUNCIL ON 8 MAY 2019**

**SUBJECT: USE OF CAPITAL RECEIPTS TO FUND TRANSFORMATION**

**BY: CORPORATE DIRECTOR (CORPORATE SERVICES)**

**1. REASON FOR REPORT**

- 1.1 To request 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 Local Government Finance Circular No 4/2019.
- 1.2 This report is submitted to Council in terms of Section III (A) (2) of the Council's Scheme of Administration relating to consideration of capital and revenue budgets and long-term financial plans.

**2. RECOMMENDATION**

**2.1 It is recommended that Council:**

- i) **approves the use of capital receipts to fund expenditure of £443,418 in 2018/19 on the Improvement and Modernisation Programme, Digital Services and service restructure, as set out in section 4 of this report;**
- ii) **notes that annual recurring savings of at least £1,016,000 are projected to be achieved from this investment of capital receipts; and**
- iii) **notes that further reports on the use of capital receipts in 2019/20 will be brought for approval as the details of the Improvement and Modernisation Programme are developed.**

### **3. BACKGROUND**

- 3.1 Local authorities are required to use capital receipts to fund capital expenditure. Scottish Ministers are empowered by the Local Government Scotland Act 2003 to vary proper accounting practices by issuing statutory guidance. The Cabinet Secretary for Finance, Economy and Fair Work wrote to the COSLA Spokesperson for Resources on 10 December 2018 stating his intention to issue guidance enabling capital receipts to be used to fund services transformation. The statutory guidance was issued on 28 March 2019 as Local Government Finance Circular No 4/2019.
- 3.2 The Guidance covers expenditure in the financial years 2018/19 to 2021/22. To be funded from capital receipts, expenditure must be on a transformation or service redesign project where incurring up-front costs will transform service delivery in a way that reduces costs and/or demand for services in future years and generate on-going savings.
- 3.3 The Guidance requires a report to be presented to Council for approval to use capital receipts to fund qualifying expenditure. The report is required to set out the total estimated cost of each project; the expected savings or service demand reduction; details of the expenditure and the amounts and value of capital receipts to be used. Without the approval of Council capital receipts cannot be used for this purpose

### **4. USE OF CAPITAL RECEIPTS 2018/19**

- 4.1 Capital receipts of £443,418 have been generated in 2018/19. It is proposed that these receipts will be used to fund qualifying expenditure in 2018/19 as set out below.
- 4.2 The Council, at a special meeting on 12 December 2018, approved an Improvement and Modernisation Programme (paragraph 5 of the Minute refers) and approved funding of £700,000 for this Programme. It is proposed that expenditure incurred on projects forming part of the Improvement and Modernisation Programme is funded from capital receipts
- 4.3 Expenditure in 2018/19 consisted of initial diagnostic work preparatory to the Programme at a cost of £28,293 and the secondment of the Head of Housing and Property Services to lead on the Property Asset Management strand within the Programme at a cost of £16,856 in 2018/19.
- 4.4 The Policy and Resources Committee on 14 April 2015 approved a Digital Services project (paragraph 9 of the Minute refers). The Transforming the Council Board on 18 April 2019 considered the End of Project report for this project, which incurred revenue costs of £139,562 in 2018/19. The final end of Project report will be made to Policy and Resources Committee in early course. It is proposed that the revenue cost of Digital Services in 2018/19 is funded from capital receipts.

- 4.5 The cost of statutory redundancy or early retirement where these result from a business efficiency rather than a cut in service are qualifying expenditure for the use of capital receipts under the Statutory Guidance. The Council's approved savings for 2019/20 include savings arising from review and streamlining of management arrangements for a number of services. In order to achieve these savings costs of £28,829 were incurred on statutory redundancy payments. It is proposed that the balance of £229,878 of capital receipts generated in 2018/19 after funding the expenditure detailed in paragraphs 4.1 to 4.4 above is used to fund the cost of voluntary early retirement associated with the restructure.

## **5. USE OF CAPITAL RECEIPTS 2019/20**

- 5.1 The budget for 2019/20 projects capital receipts of £1.5 million and assumes that these receipts will be used to fund investment in transformation. As mentioned in paragraph 4.2, £700,000 has been provisionally allocated to the Improvement and Modernisation Programme and the balance remaining after expenditure in 2018/19 (£654,851) is anticipated to be funded from capital receipts. Details of any such expenditure will be reported to Policy and Resources Committee or to Council as plans are developed.

## **6. SAVINGS**

- 6.1 The Improvement and Modernisation Programme is currently projected to achieve annual recurring savings of £700,000. The Programme is at an early stage and no savings were generated in 2018/19. The Property Asset Management theme has a target of £200,000 savings. The balance of £500,000 is based on preliminary assessment and will be refined as the Programme is developed.
- 6.2 The objectives of the Digital Services project were not purely financial and included improved customer access. One of the objectives was channel shift, and it is recognised that channel shift should generate service efficiencies which can be translated into financial savings. Savings of £42,000 within the mail room, access points and Revenues service were forecast for 2018/19 when the budget was set. The actual savings taken in that year are £44,330 recurring annual savings. Services which have benefited from Digital Services require to deliver financial savings and as these are achieved they will be reported. Digital Services is also an enabler of savings as it increases the Council's capacity to respond to proposed changes, such as the introduction of the charge for garden waste, which was implemented at a pace which would not have been sustainable prior to Digital Services.
- 6.3 The service restructure is forecast to achieve annual recurring savings of £271,907 from 1 April 2019.

- 6.4 The overall position of proposed investment and forecast savings is summarised in the table below:

Project	Cost 2018/19 £000s	Projected cost 2019/20 £000s	Actual saving 2018/19 £000s	Projected saving future years £000s
<u>I&amp;MP</u>				
Property Asset Management	17	78		200
Other	28	577		500
Digital Services	140	-	44	
Service restructure	258	-		272
Total	443	655	44	972

## 7. **SUMMARY OF IMPLICATIONS**

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

Use of capital receipts to fund transformation assists in achieving the Council's priority of being financially sustainable.

**(b) Policy and Legal**

This report is made following statutory guidance issued by Scottish Ministers under section 12 (2)(b) of the Local Government in Scotland Act 2003, on proper accounting practices.

**(c) Financial implications**

The financial implications are addressed through the report. One-off investment in transformation totalling £1,098,000 is currently projected to generate recurring annual savings of £1,016,000.

**(d) Risk Implications**

There are risks that projected savings are not achieved by the investment in transformation. Risks are mitigated by closely monitoring progress in achieving savings.

**(e) Staffing Implications**

There are no staffing implications arising directly from this report.

**(f) Property**

There are no property implications arising directly from this report.

**(g) Equalities/Socio Economic Impact**

There are no implications for equalities or the socio-economic duty arising directly from this report.

**(h) Consultations**

The Corporate Management Team has been consulted in the preparation of this report.

**8. CONCLUSION**

**8.1 The Council has generated capital receipts of £443,418 in 2018/19. This sum is available to invest in transformation projects, following approval by Council. Expenditure of £443,418 in 2018/19 is recommended. Savings of £44,330 have been generated and a further £972,000 anticipated.**

**8.2 The Council anticipates capital receipts of £1.5 million in 2019/20. Transformation projects will be brought forward to be approved for funding from these receipts as projects are developed.**

Author of Report: Lorraine Paisey, Head of Financial Services  
Background Papers:  
Ref: LP/LJC/








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**REPORT TO: MORAY COUNCIL ON 8 MAY 2019**

**SUBJECT: WORKLOAD PRESSURES FOR EDUCATION AND SOCIAL CARE STAFF RESPONDING TO COMMUNICATIONS AND COMPLAINTS**

**BY: ACTING CORPORATE DIRECTOR (EDUCATION AND SOCIAL CARE)**

**1. REASON FOR REPORT**

- 1.1 To inform the Council of the pressures affecting Education and Social Care staff in relation to the responding to communications and complaints, and to consider and approve an increase in budget.
- 1.2 This report is submitted to Council in terms of Section II (25) of the Council's Scheme of Administration relating to the approval of all revenue expenditure.

**2. RECOMMENDATION**

- 2.1 **It is recommended that Council notes the content and recommendations of the report and approves an increase in the Business Support Unit budget of up to £43,000 per year to enable recruitment of a Business Support Officer (Communications & Complaints).**

**3. BACKGROUND**

- 3.1 There are a number of serious workload pressures within Education and Social Care at present. Investigating formal complaints and responding to Subject Access Requests present a significant challenge due to lack of dedicated staff resource, resulting in pressure on senior officers to respond within legislative timescales.
- 3.2 A Business Support Officer would support Education and Social Care staff dealing with complaint investigations and communications with the public, including:-
  - Investigate formal complaints, preparing evidence and statements, and drafting complaint responses
  - Co-ordinate all documentation relating to Subject Access Request enquiries, redacting information in compliance with Data Protection and General Data Protection Regulation principles, providing a comprehensive response

- 3.3 Education and Social Care staff at various senior officer levels are currently responding to formal complaints. These members of staff are working at and beyond capacity, which has an impact on staff workload and morale. Failing to recognise this and address it adequately through resources and support may exacerbate the situation.
- 3.4 In 2018/19 the Schools & Curriculum Development service received 32 formal complaints and Integrated Children's Services received 41 formal complaints, all of which resulted in investigation. It is difficult to quantify on-going informal complaints where customers are unhappy with the service provision and where investigation and interventions are required to minimise the possibility of these issues reaching formal complaint stage.
- 3.5 The Quality Improvement Officers (QIO) spend approximately 20% of their working time responding to formal and informal complaints. This equates to 35 hours per week (calculated as 20% of 5 FTE) at a cost of £75,905 (calculated from QIO grade 3). It is anticipated that the Business Support Officer post would reduce the QIO workload burden by undertaking initial investigations; researching and preparing evidence; preparing witness statements; and drafting complaint responses. The time released would reduce time off in lieu accumulation and allow the QIOs to focus on their core workload to support and challenge schools to secure improvement and attainment.
- 3.6 There has been a significant increase in the number of MP and MSP enquiries allocated to QIOs for a response. There were a total of 14 in 2013/14, 14 in 2014/15, 18 in 2015/16, 17 in 2016/17 and 28 in 2017/18. In the first 3 quarters of 2018/19 there were a total of 25 enquiries.
- 3.7 Additionally, social work managers and team managers spend approximately 20% of their working time responding to formal and informal complaints. This equates to 43.5 hours per week (calculated as 20% of 6 FTE) at an approximate cost of £88,579 (calculated as 20% of 3 FTE at SJC grade 11 and 3 FTE at SJC grade 13). It is anticipated that the Business Support Officer post would also reduce the workload burden for social work staff. The time released would reduce flexi accumulation and allow the social work staff to focus on their core workload.
- 3.8 A job description has been drafted and forwarded to Human Resources in order to determine the appropriate grading of the post. The costings around this proposal are based on a grade 8 salary (currently £42,870 per annum, including on-costs). The indications are that this would be appropriate for the duties and responsibilities of the post.

#### **4. SUMMARY OF IMPLICATIONS**

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

This report relates to the following within the Corporate Plan 2018-2023:

- Where life is better for everyone.
- Provide a sustainable education service aiming for excellence.

- The vision being that our children have better educational and social outcomes and so are better prepared for life.
- Improved outcomes for those most in need of support.
- Our most vulnerable young people and families are safe and nurtured.
- Public and staff have confidence in all services we provide for children and young people.

The related strategies: -

Moray Children's Services Plan

**(b) Policy and Legal**

This report outlines the pressures facing the service and proposals to ensure we can continue to meet the requirements of national policy and legislation.

**(c) Financial implications**

In order to expand the service as described it would require additional budget of approximately £43,000 per year. This report therefore contains the additional expenditure warning, as it would entail additional call on Council reserves beyond those budgeted for. The Corporate Management Team has considered the report and recommends additional funding and the increase in establishment.

There are no costs in providing a workspace, furniture and equipment for an additional member of staff as this can be managed within existing resources and accommodation.

**(d) Risk Implications**

If the creation of a Business Support Officer post is not approved, there is a risk to our existing staffing in terms of staff workload and morale.

**(e) Staffing Implications**

It is vital for the service moving forward that an appropriately graded resource is recruited to support complaints.

**(f) Property**

There will be a review of existing staff accommodation provision to facilitate incorporating this new post.

**(g) Equalities/Socio Economic Impact**

There are no equalities issues arising directly from this report.

**(h) Consultations**

The Corporate Management Team; Education and Social Care Senior Management Team; Human Resources Manager; Head of Financial Services; Head of Legal and Democratic Services; Resilience & Asset Management Officer; Equal Opportunities Officer and the Democratic Services Manager have been consulted in the preparation of this report and are in agreement with the content relating to their areas of responsibility.

**5. CONCLUSION**

**5.1 Council is invited to approve the additional funding and increase in establishment and approve immediate advert for the post required.**

Author of Report: **Fiona Michie, Business Support Administration Manager**  
Background Papers:  
Ref:




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**REPORT TO: MORAY COUNCIL ON 8 MAY 2019**

**SUBJECT: DOMESTIC WASTE CHARGES**

**BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,  
PLANNING AND INFRASTRUCTURE)**

**1. REASON FOR REPORT**

- 1.1 The Council is asked to approve a new charge for household recycling containers for new build domestic properties.
- 1.2 This report is submitted to Council in terms of Section III (A) (2) the Council's Scheme of Administration relating to long term financial planning.

**2. RECOMMENDATION**

- 2.1 **It is recommended that Council approves with immediate effect the replacement of the current charge for the green bin with a new composite charge of £113.29 for all the household containers for new build domestic properties.**

**3. BACKGROUND**

- 3.1 Currently households in Moray are only charged for the green (residual waste) container and receive the full set of recycling containers free of charge.
- 3.2 On 12<sup>th</sup> December 2018, Council agreed that a charge for all the household recycling containers would be introduced with a target income of £20k in the financial year 2019/20 (paragraph 8 of the Minute refers). Due to the volume of work ongoing associated with savings for 2019/20, the addition of a new charge for the composite set of residual and recycling containers was overlooked when the list of charges for 2019/20 was approved by Policy & Resources on 12 February 2019.
- 3.3 In order to achieve the income it is necessary to introduce the new charge for the composite set of residual and recycling containers with immediate effect. The new charge to the public for the composite set of residual and recycling containers is recommended to be £113.29. This charge reflects the actual cost to Moray Council for the supply and delivery of the complete set of bins and includes VAT. The charge is for new build properties, bins that are in circulation and are damaged beyond repair will be replaced free of charge.

#### **4. SUMMARY OF IMPLICATIONS**

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

The levying of charges for Council Services is an essential component of delivering Council priorities on a sustainable basis.

##### **(b) Policy and Legal**

The current policy for charging for Council services was approved by Policy & Resources Committee on 24 October 2017.

##### **(c) Financial implications**

Levying charges for services forms an important part of the Council's strategy for balancing its annual budget, by generating an amount of income from service users. The introduction of a new charge for the residual and full set of recycling containers, together with review of trade waste charges will assist in increasing the income to the Council.

##### **(d) Risk Implications**

If the new charge for the composite range of containers is not introduced it will not be possible to achieve the required savings.

##### **(e) Staffing Implications**

None arising from this report.

##### **(f) Property**

None arising from this report.

##### **(g) Equalities/Socio Economic Impact**

None arising from this report.

##### **(h) Consultations**

This report has been prepared in consultation with the Corporate Director (Economic Development, Planning & Infrastructure), Head of Direct Services, Legal Services Manager, Head of Financial Services, Democratic Services Manager and Equal Opportunities Officer

#### **5. CONCLUSIONS**

##### **5.1 The introduction of a new charge for the composite set of waste containers is required to ensure that the necessary savings are realised.**

Author of Report: Colin Bell, Environmental Protection Manager  
Background Papers:  
Ref:



**REPORT TO: MORAY COUNCIL ON 8 MAY 2019**

**SUBJECT: MORAY LEISURE CENTRE (MLC) DEVELOPMENTS**

**BY: ACTING CORPORATE DIRECTOR (EDUCATION AND SOCIAL CARE)**

## **1. REASON FOR REPORT**

- 1.1 To update Council regarding Moray Leisure Limited's development plan and to seek approval for an extension of a year to their lease.
- 1.2 This report is submitted to Committee in terms of Section III (D) (15) of the Council's Scheme of Administration relating to exercising the Council's statutory powers to support activities related to the development of recreation, sport, culture and heritage.

## **2. RECOMMENDATION**

### **2.1 It is recommended that Council approve:**

- (i) an extension to Moray Leisure Limited's lease for a further year to 30 June 2020 and month to month thereafter; and
- (ii) that discussions are held with the Moray Leisure Board regarding a longer term service level agreement and lease and that a report is submitted to a future meeting of Council.

## **3. BACKGROUND**

- 3.1 At a special meeting on 16 May 2018 Moray Council approved extension of one year and month to month thereafter of the lease of Moray Leisure Centre (MLC), additional deficit funding to Moray Leisure Limited' if required, of up to £120,000 for the period 28 July 2018 to 27 July 2020 and an associated recovery plan (para 3 of the minute refers).
- 3.2 At the meeting of the Moray Leisure Limited Board of 5 June 2018 members accepted the extension of the lease for a period of 1 year from 28 July 2018 and then month to month thereafter. The Board also accepted the additional £120,000 deficit funding together with the attached conditions.
- 3.3 At a special meeting on 28 June 2018 Moray Council approved additional capital funding of up to £500,000 for upgrading of MLC's fitness suite and that

the company's revenue grant would be reduced annually to recoup this (para 28 (ii) of the minute refers). In addition members were also informed of progress on MLC's recovery plan which was progressing well.

- 3.4 Updates have been provided to members as part of regular reports to Children and Young People's Services Committee and monthly accounts have been made available via the Committee Management Site.
- 3.5 A letter has been received from the Board of Moray Leisure Centre requesting a further one year extension of their lease (**Appendix 1**) and that formal discussions on longer term arrangements are entered into. The letter identifies that the company are unable to operate as a solvent organisation with only a month left on the lease.
- 3.6 MLC's progress on the recovery plan and their financial situation has been monitored on a monthly basis with updates provided to the Children and Young People's Services Committee. In terms of the recovery plan MLC have made very strong progress. They have met all of the required elements and have substantially exceeded the target for Fitlife memberships. The MLC board and management team have also developed a positive and constructive working relationship with the Councils leisure service.
- 3.7 The latest Management Accounts available (28 February 2019) show the performance of Moray Leisure Limited (MLL) - the trading company of Moray Leisure Centre - has strengthened throughout the year. There have been a number of financial challenges, particularly concerning utility costs which were impacted by CHP issues, but overall for the 11 months to 28 February 2019, MLL has posted a surplus. With regards to the cashflow position of the centre, although this has improved from the opening position it continues to present a daily test to the centre management, however, it is anticipated that the cashflow will continue to improve with an expectation of moving to a positive position in the second half of the financial year 2019/20.
- 3.8 It is also noted that iESE have been engaged to undertake an appraisal of options for the future operation of leisure services and that this exercise is expected to be completed by the end of the Summer recess which will enable consideration by Council in the Autumn. Moray Leisure Board will be one of the stakeholders interviewed as part of the options appraisal exercise.
- 3.9 From the above it is evident that MLC have significantly improved the position of the organisation from 12 months ago. It is also believed that the company is being professionally managed and whilst risks remain it is continuing to move towards a sound financial and operational position. In view of the above it is proposed that Council agree to the extension of MLC's lease to 30 June 2020 and on a month by month thereafter. This would also assist the MLC board to input constructively into the leisure review process.

#### **4. SUMMARY OF IMPLICATIONS**

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

None arising directly from this report.



**(b) Policy and Legal**

None arising directly from this report.

**(c) Financial implications**

An annual reduction in the support grant of £70,000 commenced 1 April 2019 as payment towards the gym refurbishment cost. There is also a one-off reduction of £60,000 in the 2019/20 support grant as a contribution from MLC towards the Council's budget savings target.

**(d) Risk Implications**

None arising directly from this report.

**(e) Staffing Implications**

None arising directly from this report.

**(f) Property**

None arising directly from this report.

**(g) Equalities/Socio Economic Impact**

None arising directly from this report.

**(h) Consultations**

In preparing this report, consultations have been undertaken with Education and Social Care SMT, the Head of Legal and Democratic Services, Paul Connor, Principal Accountant, the Estates Manager, the Democratic Services Manager and the Equal Opportunities Officer whose comments have been incorporated into the report.

**5. CONCLUSION**

- 5.1 That significant progress has been made in respect of the recovery plan for Moray Leisure and that Council agrees to an extension of one year to Moray Leisure Limited's lease of the premises.**

Author of Report: Nick Goodchild, Educational Resources Manager

Background Papers:

Ref:





**moray leisure centre**  
**healthy living centre**

Borough Briggs Road  
Elgin

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[www.mlc-elgin.co.uk](http://www.mlc-elgin.co.uk)

Item 11

Our Ref: AW/LL/110419  
30 April 2019

Appendix 1

Mr Nick Goodchild  
Educational Resources Manager  
The Moray Council  
High Street  
**ELGIN**  
**IV30 1BX**

Dear Mr Goodchild

I write as Chairman of Moray Leisure Limited to request that Moray Leisure's existing Lease, which is due to expire on 30 June, is extended by one year.

This will allow for the partnership between Moray Leisure and The Moray Council to develop, creating a platform for the successful development of Moray Leisure and the planned growth of the Fit Life membership scheme to continue.

I would like to take this opportunity to thank the Moray Council for their ongoing support of Moray Leisure Limited, and in particular the investments that Moray Leisure has benefited from in the last year, including direct financial assistance of £120,000 and the facilitation of £500,000 of capital investment in the new Fitness suite.

I am pleased to say that the fitness suite launch has taken place and that new customers continue to join the Fit Life membership scheme. Throughout 2018/19 Moray Leisure has outperformed its income targets selling 2,500 Fit Life memberships against an initial target of 1,300 (Appendix I). This accelerated membership growth has allowed Moray Leisure to contribute £60,000 towards The Moray Council's saving package in Financial Year 2019/2020. Further growth is planned next year and Moray Leisure would hope to make further contribution towards Moray Council's savings targets if required.

With the existing lease ending on 30 June 2019 and Moray Leisure facing a possible month-by-month lease extension, the facility will not be in a position to operate solvently. As Acting Chairman of Moray Leisure Board I am required, along with other Board Members, to be satisfied that Moray Leisure can trade successfully as a going concern - that is not possible with a month-by-month lease extension for a building turning over £2.3m per annum. Moray Leisure is also required to operate in excess of 80 contracts with external suppliers to deliver its business and those contracts cannot be managed in a building that operates on a month-by-month-lease.

The one year lease extension would allow for the conclusion of our initial discussions concerning the preparation of a 25 year lease and appropriate Service Level Agreement to take place. I also request that discussions on the longer term lease are concluded as early as possible. This will prevent the need for any further short-term lease extensions in the future. It will also allow me to report to the Auditors and OSCR that MLL is a going concern with a planned future.

... / Page 2



"Funded by The Moray Council"

Moray Leisure Limited. A charitable company limited by guarantee.  
Registered in Scotland number SC145750  
Registered Office: Ledingham Chalmers LLP, Kintail House, Beechwood Business Park,  
Inverness, United Kingdom IV2 3BW  
Scottish Charity Number SC023033





30 April 2019

Letter to: Mr Nick Goodchild, Educational Resources Manager, The Moray Council, High Street,  
**ELGIN IV30 1BX**

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If a successful 25 year lease can be agreed by October 2019 this would provide for the launch of Moray Leisure's Business Plan during the same period, allowing the growing partnership between Moray Leisure and The Moray Council to continue developing (Appendix II).

I trust that you will consider my request, and seek approval from The Moray Council's Elected Members for a one year lease extension, pending further discussions for a more suitable 25 year lease and Service Level Agreement arrangement for Moray Leisure.

Yours sincerely

ANDREW WOOD  
Acting Chair  
Moray Leisure Ltd




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**REPORT TO: MORAY COUNCIL ON 8 MAY 2019**

**SUBJECT: APPOINTMENTS TO COMMITTEES**

**BY: CORPORATE DIRECTOR (CORPORATE SERVICES)**

**1. REASON FOR REPORT**

- 1.1 To invite the Council to consider the appointment of Chair to the Audit and Scrutiny Committee.
- 1.2 This report is submitted to Council in terms of Section II (11) of the Council's Scheme of Administration relating to the appointments to committees.

**2. RECOMMENDATION**

- 2.1 **It is recommended that the Council consider the appointment of Chair of the Audit and Scrutiny Committee**

**3. APPOINTMENT OF CHAIR**

- 3.1 On the 29 March 2019 Councillor M Macrae advised that he was stepping down as the Chair of the Audit and Scrutiny Committee with immediate effect.
- 3.2 In light of Councillor Macrae's resignation as Chair, the Council is required to consider appointing a Chair to the Audit and Scrutiny Committee from within the current membership. For ease of reference the membership is as listed below.

Councillor D Gatt (Depute Chair)  
 Councillor J Allan  
 Councillor F Brown  
 Councillor T Coull  
 Councillor J Cowe  
 Councillor L Creswell  
 Councillor T Eagle  
 Councillor R Edwards  
 Councillor C Feaver  
 Councillor M Macrae  
 Councillor A McLean  
 Councillor D Ross  
 Councillor A Taylor

#### **4. SUMMARY OF IMPLICATIONS**

**(a) Moray 2026: A Plan for the Future and Moray Corporate Plan 2015 - 2017**

None

**(b) Policy and Legal**

None

**(c) Financial implications**

Allowances for nominated Members attendance at meetings of organisations appointed is covered in the Councillors & Members Allowance Scheme.

**(d) Risk Implications**

None

**(e) Staffing Implications**

None

**(f) Property**

None

**(g) Equalities**

None

**(h) Consultations**

None

#### **7. CONCLUSION**

**7.1 The Council are asked to consider the appointment of a Chair to the Audit and Scrutiny Committee**

Author of Report: M Patrick, Democratic Services Manager

Background Papers: