

Services Committee
Main Hall, Town Hall, Lerwick
Thursday 3 September 2009 at 10.00am

Present:

L Angus	L F Baisley
J Budge	A J Cluness
A T J Cooper	A T Doull
A G L Duncan	E L Fullerton
F B Grains	I J Hawkins
R S Henderson	J H Henry
A J Hughson	W H Manson
C H J Miller	R C Nickerson
F A Robertson	G Robinson
J G Simpson	C L Smith
J W G Wills	A S Wishart

Apologies:

None

In Attendance:

D Clark, Chief Executive
H Sutherland, Executive Director – Education and Social Care
G Greenhill, Executive Director - Infrastructure
C Ferguson, Head of Community Care
M Barnett, Assistant Manager – Community Care Resources
W Weis, Service Manager – Community Care Resources
R Whelan, Service Manager – Community Care Resources
S Morgan, Head of Children Services
A Williamson, Service Manager, Community Care Fieldwork
H Budge, Head of Schools
A Edwards, Quality Improvement Manager
J Edwards, Quality Improvement Manager
M Moss, Quality Improvement Manager
C Medley, Head of Housing
J Thomason, Management Accountant
C Wiseman, Senior Assistant Accountant
J Smith, Head of Organisational Development
J R Riise, Head of Legal and Administration
A Cogle, Service Manager – Administration
K Johnston, Solicitor
L Geddes, Committee Officer

Also:

A Laidler, Anderson High School Independent Review Co-ordinator

Chairperson

Mr L Angus, Chairperson of the Committee, presided.

Circular

The circular calling the meeting was held as read.

Declarations of Interest

Mr R C Nickerson declared an interest in Agenda Item 1, as his wife is a teacher at the Anderson High School, but advised that he intended to take part in the debate.

Dr J W G Wills declared an interest in Agenda Item 1, as his wife is an Education Officer. However as she had no direct responsibilities relating to the Anderson High School, he intended to take part in the debate.

Minutes

The minute of the meeting held 18 June 2009, having been circulated, was confirmed on the motion of Mr L Angus, seconded by Mrs E L Fullerton.

Members' Attendance at External Meetings

Mr A G L Duncan & Mr C L Smith Investing in Affordable Housing Meeting, Edinburgh,
19 August

75/09 New Anderson High School Capital Project: Independent Review, Options and Proposals

The Committee considered a report by the Chief Executive (Appendix 1).

Mr A Laidler, Anderson High School (AHS) Independent Review Co-ordinator, gave a PowerPoint presentation to the Committee which outlined the summary of the findings of the AHS Independent Review.

Dr J W G Wills moved that the Committee agree to:

- (1) confirm the earlier decision to build the new Anderson High School on the Lower Staney Hill (Clickimin) site;
- (2) set an indicative budget for the project of no more than the current estimate for the Knab Road site;
- (3) revise the design of the project in line with the recommendations of the educational and architectural consultants;
- (4) recommend that the Council consider reverting to traditional procurement by competitive tender rather than Early Contractor Involvement.

Mrs E L Fullerton seconded.

In outlining the reasons for his motion, Dr Wills referred Members to feasibility studies that had taken place with regard to the Lower Staney Hill site in 1993 which had come to the conclusion that it was the appropriate site due to a number of factors, including its proximity to leisure facilities, its central location in terms of population distribution, and the fact that there would be no disruption to pupils. However, ten years ago, some Members had been of the view that the Lower Staney Hill site would not be suitable, as it was understood it would cost more due to the cost of having to blast rock from the site. He advised that this was not the case, and referred Members to a survey of the Lower Staney Hill site, carried out in 1991, which had shown clearly that a school could be built on the existing foundations of the site with minimal rock clearance. He advised that he had checked this with surveyors, and had circulated the response to Members.

He went on to say that he was of the view that the Lower Staney Hill site was the best site on educational, architectural and planning grounds, and that it fitted with

Council policies relating to sustainability as it would help minimise the use of motor transport. Whilst he accepted that it would be more expensive than the Knab site, he had tried to illustrate, in the papers he had earlier circulated to Members, that savings could be made on construction, running and whole life costs. He advised that he had received a lot of assistance in preparing these papers from a team of volunteers, including parents, education staff, architects and surveyors. Whilst the cost consultants had done the best they could in the time available to them, he felt that they did not have local knowledge and had been unaware of the modifications suggested that could save money, such as alterations to the design of the school by dispensing with the 'one teacher one classroom' model.

Mr A J Cluness advised that whilst it was the policy of the Council to construct a new school at the Knab site, it was important that work started as soon as possible if Members wished to move to another site. He pointed out that the Council already owned the Knab site, and that planning permission and a contractor were already in place, but that none of these conditions were in place for the Lower Staney Hill site. He referred to consideration that had been given to the Seafield site in the past, which had been rejected for a number of reasons, but said that it was apparent that the Lower Staney Hill site appeared to be the favoured site. He had had discussions with the people locally who had organised petitions against the Knab site, and had been impressed with the work they had done. He also referred to concerns that had been raised relating to disturbance and possible danger to pupils if construction took place on the Knab site.

He went on to remind Members that they had appointed the Project Team, who had done what was required of them according to current Council policy, and he expressed concern that they had not had a chance to make their views known in the face of extensive criticisms. He also expressed concern that Members had no indications of what the costs might end up being for the Lower Staney Hill site, and that Members did not have all the information required in order to enable them to make an informed decision on whether to proceed with the Lower Staney Hill site.

He therefore moved, as an amendment, that the Committee did not make a decision today, but instead do so formally at the next meeting of the Council, where the decision should indeed be made. In the meantime, staff should be allowed to give their responses to the real criticisms that they have faced.

Mrs C H J Miller seconded.

Mr A S Wishart said that he shared concerns that Members did not have all the information available to them in order to make an informed decision, in particular relating to ownership of the land, site plans, design, surveys, consultations and life cycle costs. There were therefore a range of unknown factors that may come into play, and Members had a duty to ensure that all the relevant information was available to them before they could make a decision.

With the consent of his seconder, Mr A J Cluness therefore agreed to include in his amendment Mr Wishart's suggestion that investigations should continue into the Lower Staney Hill site, and how long it would take to provide the further information required in order to enable Members to make a full and informed decision.

In response to a query, Mr Wishart clarified that this addition meant that the status quo in relation to the Knab site should be maintained in the meantime.

Dr J W G Wills also clarified that the third term of his motion should be referred to the existing project team.

Mr G Robinson gave notice of further amendment.

During the discussion that followed Members speaking in support of the motion referred to the following points:

- The Council had to be able to give a commitment to parents and users of the facilities in the existing Anderson High School area that their safety and wellbeing would be guaranteed during the construction phase. However it would not be possible for the Council to do so.
- There was no emergency plan in place should the Anderson High School require to be vacated during the construction phase.
- The earlier studies that had taken place in 1991 in relation to a site for a new school, which had given great consideration to traffic management aspects, had come out in favour of the Lower Staney Hill site and it should be possible to reuse a lot of these studies. Detailed examination of the ground had taken place and contractors had also indicated that it should be possible for construction traffic to largely utilise Cunningham Way for the removal of rock and the import of construction materials, therefore minimising disruption in the centre of Lerwick. It should also be possible to use some of the rock that had to be removed from the site for construction purposes.
- It should be possible to build a new school relatively quickly and without interruption on the Lower Staney Hill site, as consideration would not have to be given to the disruption of pupils.
- Pupils' education should be the paramount consideration, and it was vital that this was not disrupted by ongoing building works.
- Traditional procurement methods should mean that the Committee is the client of the project.
- It would be possible to reduce building costs by reducing the size of the building, and amending the area per pupil commensurate with the area per pupil that had been allowed for Mid Yell Junior High School. There was also a need to take the "Curriculum for Excellence" and "Blueprint for Education" into account when considering the overall size of the building. The consultants had also indicated that the overall costs were too expensive, so there may be scope for reducing them by reconsidering the design.
- As the Services Committee was running the project, it was important that decisions were made by the Services Committee.

Members speaking in support of the amendment referred to the following points:

- There appeared to be little dissent amongst Members that the Lower Staney Hill is the preferred site for the replacement school. However there was concern that more information was required on the alternative site before

finally committing to it. Unresolved issues included land ownership, and this could cause delays.

- The Project Team should have the chance to have their views considered, as they had worked very hard to deliver what the Council had asked of them.
- There was a need for the Members to consider the bigger educational picture, and to take account of Lerwick's primary education needs.
- The additional costs likely in developing the Lower Staney Hill site may mean that other capital projects will have to be delayed or shelved.
- It was appropriate for the Council to make the decision on this matter, taking account of the full information required.

Dr J W G Wills requested a Roll Call Vote, and this received the unanimous support of those present and voting.

After summing up, voting accordingly took place by Roll Call, and the result was as follows:

Motion (Dr J W G Wills)	Amendment (Mr A J Cluness)
Dr J W G Wills Mr L Angus Mr A T Doull Mr A G L Duncan Mrs E L Fullerton Mr R S Henderson Mr J H Henry Mr A J Hughson Mr R C Nickerson Mr G Robinson Mr C L Smith	Mr A S Wishart Mrs L F Baisley Mr J Budge Mr A J Cluness Mr A T J Cooper Mrs F B Grains Mrs I J Hawkins Mr W H Manson Mrs C H J Miller Mr F A Robertson Mr J G Simpson
11	11

The Chairperson used his casting vote in favour of the motion.

Mr G Robinson withdrew his notice of further amendment.

Some discussion took place regarding whether the views of the Project Team should still be sought. The Chief Executive advised that today's decision meant that staff had been put in a position that they should move forward from, and that he would not wish to actively seek views of staff.

(The Committee adjourned at 11.30am and reconvened at 11.45am)

Present:

L Angus	L F Baisley
A J Cluness	A T J Cooper

A T Doull	A G L Duncan
E L Fullerton	F B Grains
I J Hawkins	R S Henderson
A J Hughson	W H Manson
C H J Miller	R C Nickerson
G Robinson	J G Simpson
C L Smith	J W G Wills

In Attendance:

D Clark, Chief Executive
H Sutherland, Executive Director – Education and Social Care
G Greenhill, Executive Director - Infrastructure
C Ferguson, Head of Community Care
M Barnett, Assistant Manager – Community Care Resources
J Robinson, Service Manager – Occupational Therapy
W Weis, Service Manager – Community Care Resources
R Whelan, Service Manager – Community Care Resources
S Morgan, Head of Children Services
A Williamson, Service Manager, Community Care Fieldwork
H Budge, Head of Schools
A Edwards, Quality Improvement Manager
J Edwards, Quality Improvement Manager
M Moss, Quality Improvement Manager
C Medley, Head of Housing
J Thomason, Management Accountant
C Wiseman, Senior Assistant Accountant
D Bell, Head of Human Resources
J R Riise, Head of Legal and Administration
A Cogle, Service Manager – Administration
K Johnston, Solicitor
L Geddes, Committee Officer

76/09 **Development of Short Break Services for Children with Additional Support Needs**

The Committee considered a report by the Head of Children's Services (Appendix 2) and approved the recommendations contained therein on the motion of Mr C L Smith, seconded by Mr R C Nickerson.

It was noted that there would be an ongoing resource implication, and it was questioned where the virement required would be found from.

The Executive Director – Education and Social Care explained that it would be a challenge to fund the proposals. The virement referred to in paragraph 8.2 would be funded from vacant posts within the Education and Social Care service, and from underspends across all service areas.

Some concern was expressed relating to the costs of providing the services in future years, but Members commented that they felt that this was a service that was necessary and valuable.

(Mr J H Henry and Mr F A Robertson returned to the meeting)

(Mr G Robinson declared an interest in the following item as an employee of one of the SCT Funded Bodies, and left the meeting during the discussion).

Impact of SCT Funded Bodies Review Group

The Committee considered a report by the Executive Director – Education and Social Care (Appendix 3).

Mr W H Manson and Mr J H Henry asked that it be recorded that they are Chairman and Vice-Chairman of Shetland Charitable Trust (SCT) respectively, and had been involved with the joint working group.

The Committee noted that there had been an error in paragraphs 6.1 and 9.1(c) of the report, and that it should read that the costs to the Council could be up to £200,000 per annum. Therefore the total possible impact on Council budgets, as referred to in paragraph 7.1 of the report, would be up to £670,000 per annum.

Concern was expressed at the additional costs to the Council, given that it was likely that Revenue Support Grant to local authorities would be reduced in the future. It was also questioned whether the additional costs related to the provision of statutory obligations. Equalisation charges, the means by which SCT supplements care charges to individuals in Council care, were explained, as was the recommendation to withdraw the supplement to individuals whose means were above the statutory, as well as the local, threshold. It was explained that local authorities had a statutory obligation to fund care places for elderly people who require care, but that there were higher unit costs in Shetland due to the provision of smaller, localised care centres. This was reflected in the charges to people who could afford to pay, and the current situation meant that SCT also subsidised those who could afford to pay. It was also the case that Shetland Recreational Trust (SRT) were providing leisure facilities for Council use, and that the level of charges did not reflect the actual costs. In other areas of Scotland, the local authority would be responsible for meeting the actual costs.

Mr R C Nickerson moved that the Committee approve recommendations 9.1(a)-(c) only, explaining that he felt that the Committee could not provide guidance to the Education and Social Care Department until a further report was forthcoming.

Dr J W G Wills seconded.

Mr J G Simpson moved, as an amendment, that the Committee approve the recommendations in the report, and Mrs E L Fullerton seconded.

Mr Simpson explained that a lot of work had been carried out with the three Trusts involved, and that they had been very co-operative. It was important to bear in mind that services may have to be reduced if the proposals were not agreed.

In response to a query regarding whether the Head of Finance was aware of these growth items, the Executive Director – Education and Social Care explained that whilst he was aware of the discussions in relation to this matter, no final value had been settled before the budget strategy had been put in place.

It was noted that the Harbour Account had been challenged to make £4million profit and achieve economies, and that staff involved were being driven hard to meet this challenge. Concern was expressed that other areas of the Council were not being driven in the same way.

The Executive Director – Education and Social Care explained that it would be a challenge to look for efficiencies whilst working through the budget. However these were frontline services that required to be protected.

After summing up, voting took place by show of hands and the result was as follows:

Amendment (Mr J G Simpson)	9
Motion (Mr R C Nickerson)	8

(Mr G Robinson returned to the meeting)

78/09 **New Build Housing – Proposal to Increase Private Sector Development**

The Committee considered a report by the Head of Housing (Appendix 4) and on the motion of Mrs L F Baisley, seconded by Mr A G L Duncan, approved the recommendations contained therein.

Members commented that the proposals were welcomed, and thanked staff for coming forward with innovative ideas, as requested, to promote the supply of additional housing across Shetland.

It was requested that consideration be given to ensuring that the clustering of houses was not unsympathetic to villages, even if this meant an increase in the unit costs. It was also questioned how it would be possible for the Council to ensure that contractors built affordable housing, and suggested that it should form part of contracts as this had been successfully carried out in other areas.

79/09 **Consultation on Forthcoming Housing (Scotland) Bill**

The Committee considered a report by the Head of Housing (Appendix 5) and approved the recommendation contained therein on the motion of Mrs L F Baisley, seconded by Mrs E L Fullerton.

80/09 **Lerwick Long Term Care Project: First Progress Report**

The Committee noted a report by the Head of Community Care (Appendix 6).

81/09 **Therapy Resource Centre and Stock Control System**

The Committee noted a report by the Head of Community Care (Appendix 7).

82/09 **Capital Projects Update – Services Committee Projects**

The Committee noted a report by the Capital Programme Service Manager (Appendix 8).

83/09 **Promoting Attendance Project Update**

The Committee noted a report by the Human Resources Manager (Appendix 9).

Members querying the cost to the Council of lost working days, as well as the apparent anomaly showing a much higher proportion of female staff contributing to the absences, sought assurances that this was being researched.

The Human Resources Manager undertook to provide further information, but explained that there were indications that women and older workers had proportionally higher absence levels. However this was against a background of a number of factors which could affect absence levels, and the figures related to general absence, not just sickness absence.

Members commented that whilst they were pleased that there had been an improvement in sickness levels, there were still 52,000 days per year lost through absence. It was questioned if work had been carried out to see what this represented in monetary terms.

The Human Resources Manager confirmed that this piece of work was being carried out at the moment, and she would report this back to Members. It was intended to provide quarterly updates to Members on the Promoting Attendance Project.

84/09 **Shetland Child Protection Committee Report and Business Plan**

The Committee noted a report by the Executive Director – Education and Social Care (Appendix 10).

85/09 **Implementing the Childcare Strategy**

The Committee noted a report by the Executive Director – Education & Social Care (Appendix 11).

Members commented that they welcomed the Strategy, but expressed disappointment that it had taken so long to get to this stage. The importance of the provision of childcare in supporting the local economy was referred to, and it was felt that support for childcare provision across Shetland was vital in order to support the economy.

Mr G Robinson declared an interest as Chair of Shetland Childcare Partnership, and said that things were now progressing and the last meeting of the Strategy Group had been very positive. It was important that partner providers were supported in order to provide childcare services in the future.

86/09 **Provision of Training within the Education and Social Care Department**

The Committee noted a report by the Executive Director – Education and Social Care (Appendix 12).

Members congratulated those who had recently graduated from Shetland College with social care qualifications.

The dearth of proper training needs analyses, ensuring that essential training is appropriate and available to all staff, was raised. The value of quality training in promoting staff confidence and morale was unanimously accepted by Members.

The Chairperson explained that there was currently a shortage of staff to carry out these analyses within the Council, and this was being discussed with the Executive Director – Education and Social Care and Train Shetland.

(Dr J W G Wills left the meeting)

87/09 **Blueprint for Education in Shetland – Update September 2009**

The Committee noted a report by the Head of Schools (Appendix 13).

The Head of Schools advised that it was intended to report on the three areas currently being considered by the end of the year.

88/09 **Mid Yell Junior High School New Build: Progress Report**

The Committee noted a report by the Head of Schools (Appendix 14).

89/09 **Revenue Management Accounts 2009/10 for the Period 1 April 2009 to 30 June 2009 – General Fund, Reserve Fund and Housing Revenue Account**

The Committee noted a report by the Head of Finance (Appendix 15).

90/09 **Ombudsman Report**

The Committee noted a report by the Executive Director – Education and Social Care (Appendix 16).

It was noted that part of the complaint related to how the complaints had been logged at the time, and that there appeared to be differences as to how they had been logged by the School and by the Schools Service.

The Head of Schools confirmed that procedures had been in place, but that there had been a difference in the way that the school had logged the incidents, and that it had not been in the recommended format. This had been dealt with as part of the review of the policy, and was being monitored closely.

The Solicitor pointed out that the Council's response to the Ombudsman's report had indicated that there should be some flexibility when dealing with complex cases, so that there was a robust and flexible policy that focussed on the child and kept the child at the forefront. However the Ombudsman's Report did not reflect this.

Members sought an assurance that there would not be delays in convening a Complaints Review Committee in the future.

The Head of Legal and Administration pointed out that the Council had made strong representations to the Ombudsman that the issue relating to the convening of a Social Work Complaints Review Committee should not be linked to the complaint relating to the bullying incidents, as they were quite separate matters. There was continuing concern that both issues had been brought into the same report. He advised that the Council had to accept the findings of the Ombudsman, that there had been a failure to abide by the statutory timescales for convening the Review Committee. He went on to explain that these problems had, in part, arisen as the timing for the calling of the Committee had occurred close to the time of the Local Government elections. There should not be a similar reoccurrence in future as there were now substantially more external members appointed to the Complaints Review Committee, in addition to Councillors, allowing for greater flexibility.

Mr G Robinson advised that he had been on the Complaints Review Committee in this particular instance, and moved that the Committee accept the recommendations from the Ombudsman and apologise to the complainant.

Mrs I J Hawkins seconded.

In response to a query, the Convener advised that he had already indicated that he would be happy to apologise on behalf of the Council, and the Head of Legal and Administration confirmed that it would be appropriate for the apology to come from the Convener rather than the Committee Chairperson.

In order to avoid the disclosure of exempt information, Mr L Angus moved, and Mrs E L Fullerton seconded, to exclude the public in terms of the relevant legislation during consideration of the following items of business.

91/09 **Offer to Purchase Houses in Shetland**

The Committee considered a report by the Head of Housing and, after some discussion, approved the recommendations contained therein on the motion of Mrs L F Baisley, seconded by Mr A G L Duncan.

92/09 **Disposal of Property**

The Committee considered a report by the Head of Housing and approved the recommendations contained therein on the motion of Mr A T Doull, seconded by Mr A T J Cooper.

93/09 **Offer to Purchase and Demolish Remaining Midlea Flats**

The Committee considered a report by the Head of Housing and, after some discussion, approved the recommendation contained therein on the motion of Mr A T J Cooper, seconded by Mr A T Doull.

The meeting concluded at 1.10pm.