



REPORT

To: Services Committee

3 February 2011

From: Head of Schools

Review of Instrumental Music Instruction in Schools

1. Introduction

- 1.1 In May 2010 a policy for Instrumental Music Instruction was established (Min Ref: SC 41/10), to ensure pupils in all schools receive equality of provision.
- 1.2 In June 2010 it was agreed to commence charging a contribution towards the cost of instrumental music instruction from August 2010 (Min Ref: SC 49/10) and a Scheme of Provision was agreed.

2. Link to Council Priorities

- 2.1 The Council will ensure a model for education is developed by 2009 that considers the educational and financial viability for schools and communities and its outputs are then implemented.
- 2.2 The Council will work to create and maintain a culture where individual learners can strive to realise their full potential.

3. Risk

- 3.1 Two areas of risk have been identified:
 - Political risk, as the contribution towards Instrumental Music Instruction could be seen as detrimental to the cultural tradition of Shetland.
 - Financial risk as, locally, if we proceed as in previous years, and do not charge for Instrumental Tuition the Schools Service annual budget will have to be increased.

4. Background

- 4.1 At Services Committee held on 17 June 2010 it was agreed (Min Ref: SC 49/10) that a Review of Instrumental Provision in Schools be carried out, which would identify significant and sustainable long-term efficiencies that would enhance and maintain the Service, with a report being brought to Services Committee in due course.
- 4.2 It was agreed to establish a Review Panel, consisting of a member of the central Schools Service staff, a senior member of the music staff, the Culture and Recreation Spokesperson and the Education Spokesperson.
- 4.3 It was decided to include the scheme of charging within the scope of the consultation.
- 4.4 As part of the review the Schools Service undertook a wide-ranging public consultation. A questionnaire was developed and distributed in electronic and paper formats to pupils, parents and staff. It was also available to the general public through the Shetland Islands Council website and advertised through the local media. The consultation closed on 3 December 2010.
- 4.5 The review panel met on 20 December 2010 and discussed aspects of the provision and agreed the structure of the review report.

5. Current Situation

- 5.1 The attached report (Appendix A) is intended to offer Members detail of the current levels of provision of instrumental instruction in Shetland schools.
- 5.2 The recommendations in paragraph 6, below, are included for decision given the high level of public interest this area of educational provision has attracted.

6. Proposals

- 6.1 It is proposed that Members consider the content of the attached report and the following recommendations:
 - 6.1.1 The range of instruments on offer in schools should be narrowed to support equality and sustainability of provision. This should be done through natural wastage over a period of years.
 - 6.1.2 The current scheme of provision has not been in place long, the scheme should be allowed to continue until June 2012 to allow full alignment with the new 50 minute periods.

6.1.3 The Schools Service has identified some areas where some amendments to the scheme would support more efficient administration. The Schools Service should revise the scheme of provision and present this during the next Council cycle.

6.1.4 The scheme has proven to be time consuming in its administration and has impacted on officer and administration workload. The Schools Service should appoint a temporary part-time Instrumental Instruction administrator as detailed in 6.11 of the review report. This post will be subject to monitoring and review to assess the impact on the service in order to determine the longer term need.

7. Financial Implications

7.1 The cost of a new temporary post is dependent on the outcome of a job evaluation exercise. There are no financial implications arising from this report, as the post will be funded from existing School Service budget. The costs of addressing any areas for improvement will be implemented through budget allocated to the Schools Service.

7.2 When it was originally considered, it was estimated that the scheme of charges would yield approximately £130K per annum. As the scheme was developed and subsequently implemented, it emerged that this was an overestimation. In the current school session it is anticipated that the scheme will yield approximately £70K of which £49K will be in the current financial year. The factors contributing to this are detailed in paragraph 5.5 of the review document.

8. Policy and Delegated Authority

8.1 In accordance with Section 13 of the Council's Scheme of Delegations, the Services Committee has delegated authority to make decisions relating to matters within its remit for which the overall objectives have been approved by Council, in addition to appropriate budget provision.

9. Recommendation

9.1 I recommend that Services Committee approve the recommendations contained in paragraphs 6.1.1 to 6.1.4.

January 2011

Our Ref: HB/JE/sm

Report No: ED-01-F



Shetland Islands Council

Schools Service

Service Review of Instrumental Instruction Provision

1. Introduction

- 1.1 Instrumental instruction has been delivered in Shetland Schools since the nineteen sixties.
- 1.2 Instrumental instruction is a discretionary service in Scottish schools, which, up until August 2010 had been offered to pupils in Shetland, free of charge.
- 1.3 In many Scottish local authorities it is normal practice for class music teachers to provide a proportion of required instrumental instruction. This is particularly true for pupils learning an instrument as part of Scottish Qualifications Authority courses.

2. Background

- 2.1 In February 2010, a proposal, contained within the budget setting report, to charge parents/carers a contribution towards the costs of instrumental instruction was presented to Shetland Islands Council. Council approved this.
- 2.2 In May 2010 Shetland Islands Council instructed the Schools Service to develop a scheme for charging parents a contribution towards the cost of instrumental instruction in Shetland's schools.
- 2.3 In July 2010 the Council approved the developed scheme and instructed that it become effective from August 2010.
- 2.4 Additionally the Council instructed the Schools Service undertake a full service review of its provision of instrumental instruction in schools.
- 2.5 Given the decision taken to implement the scheme and the timing of its implementation, the Schools Service considered it appropriate to include comment on the scheme within the scope of this review.
- 2.6 To inform the review, a questionnaire was developed and distributed to pupils, parents, school staff and the general public. The consultation information was gathered over a four-week period ending on Friday 3 December 2010. (A copy of the questionnaire and a statistical analysis of the results is attached as Appendices 1a and 1b)

- 2.7 There were 430 responses to the questionnaire: 44 were from pupils; 250 from parents or carers; 40 from teachers or instructors; 13 from members of the musical community; 80 from members of the public and 3 group submissions.
- 2.8 The factual information presented in this review refers to school session 2009-10.
- 2.9 The Scottish Government's Youth Music Initiative provides temporary ring fenced funding which has been used to supplement various aspects of music provision in Shetland as in all other Scottish authorities. This additional provision has not been considered within this review.

3. Staffing

- 3.1 Shetland Islands Council currently employs twenty instrumental instructors, nine of whom are full time employees. The total full-time equivalent of this is 15.72 posts. Almost all instructors are employed on a peripatetic basis which means that they work in more than one school in their working week.
- 3.2 The distribution of instrumental provision has evolved across the school estate without a clear rationale for how instructors are allocated.
- 3.3 A benefit that has come from the implementation of the scheme of charging is that the deployment, timetables and workload of instructors is now recorded in far greater detail than ever before.
- 3.4 Individual instructors are supported and line managed by senior staff in their base schools. Historically the base school was the school nearest the instructor's home address.
- 3.5 Some concerns have been raised in relation to the quantity and quality of support and quality assurance offered in some settings.
- 3.6 There appears to be a belief in some schools that instructor's hours are allocated to schools with a degree of permanency. This is incorrect, however review and re-organisation of schools visited by instructors has seldom taken place.
- 3.7 The Local Negotiating Committee for Teachers has an agreed local agreement on instructor's conditions of service which is based on a national agreement.
- 3.8 Instructors have a contractual obligation of 27.5 hours teaching out of their 35 hour working week, pro-rata. The remainder of the available time should be used for preparation and for collegiate activities such as school ensembles or assemblies.
- 3.9 For peripatetic instructors, time spent travelling between schools during the working day is considered as teaching time therefore reducing the available 27.5 hours teaching time. (A copy of the full Local Negotiating Committee for Teachers agreement is attached as Appendix 2)

- 3.10 The public consultation noted that 54.5% of respondents considered that the number of instructors employed was correct with a further 29.8% who thought that the number was too few.

4. Provision

- 4.1 Instruction is currently offered to pupils in 21 different instruments plus voice. These are; accordion, alto, baritone and tenor saxophones, bassoon, cello, clarinet, cornet, double bass, drums, fiddle, flute, keyboard, mandolin, oboe, piano, recorder, tenor horn, trombone, trumpet, violin.
- 4.2 There are an increasing number of requests for tuition on guitar.
- 4.3 The Schools Service has traditionally retained an extensive stock of instruments that pupils have used to try out and establish commitment to learning on that instrument. Parents/carers are encouraged to secure a suitable instrument where long-term commitment is indicated
- 4.4 The distribution of these is historical and is not regularly reviewed (A spreadsheet showing the current geographical distribution by school is attached as appendix 3). It is clear however that the bigger schools in Shetland enjoy better provision with some remote schools having no provision at all.
- 4.5 Not all secondary schools can offer matching provision of instruments to their cluster primary schools. As a result pupils cannot be guaranteed continuation of instruction when transferring from primary to secondary education.
- 4.6 Annually, individual instructors will work with schools to develop pupil lists and timetables. There is an expectation that this information is then passed to the Schools Service for recording.
- 4.7 As a result of several central structure changes, management of this area of provision has been inconsistent. The result of this is that the incoming pupil information has not received rigorous monitoring and there has been a lack of strategic planning.
- 4.8 There are currently 750 teaching spaces allocated to pupils receiving instrumental instruction in Shetland Schools. 52 pupils receive lessons on more than one instrument or double lessons. There are 108 lessons currently vacant (A spreadsheet showing the numbers by school and instrument is attached as appendix 4).
- 4.9 The introduction of the 25 minute standard lesson means that a full time instructor should be able to deliver 66 lessons in a working week.
- 4.10 The current 15.72 FTE instructors therefore would have a theoretical capacity of 1037 pupils.

- 4.11 There are a number of reasons why this number cannot be fully achieved:
- Instructors travelling time is considered as pupil contact time.
 - Secondary departments cannot fit 25 minute lessons around break and lunch times. This however should be addressed when the 50 minute periods are implemented in all secondary departments under the Blueprint for Education arrangements.
 - Some senior pupils studying toward higher and advanced higher grades receive double lessons to support their studies.
 - Low uptake in some schools which leaves instructors with free lessons. It would seem appropriate to re-allocate these lessons to another school, however in doing this contact time would be lost to travelling time.
- 4.12 The consultation exercise noted that 71.6% of respondents considered that the number and range of instruments offered was correct with a further 15.3% suggesting that the current provision should be larger.
- 4.13 There were a significant number of respondents who noted dissatisfaction with the distribution of instruments across the school estate.
- 4.14 45% of respondents considered that the number of pupils receiving instruction was correct however a further 40.3% thought that more children should be receiving tuition.
- 4.15 The charging scheme implemented from August 2010 introduced a standard 25 minute lesson for all instruction. The reasons for this were:
- To re-assure parents/carers, who were now being asked to contribute to the costs of the provision, that their child would receive equity of provision with other children.
 - To ensure that the Council could achieve best value, in terms of pupil lessons from its investment in this provision in relation to instructors contractual contact time.
 - Given that all secondary departments will be changing to 50 minute periods as a result of the Blueprint for Education, 25 minute periods will minimise disruption in other curricular areas resulting from pupils going to and returning from instrumental lessons.
- 4.16 38.2% of respondents consider 25 minutes to be an appropriate length of time for an instrumental lesson. 61.3% of respondents however consider this to be too short or far too short.
- 4.17 Many comments noted that this would detrimentally limit actual playing time in a lesson.
- 4.18 A large majority of pupils learning a musical instrument will sit examinations to achieve grades awarded by one of three awarding bodies, however there is a considerable proportion who do not. Some instructors report that all students will be presented, some report that pupils will have a choice, and some instructors report that they present no pupils.
- 4.19 From the perspective of the Schools Service, the administration of the examination process is poorly organised, for example there are no centrally held records relating to grade examinations.

5. Budget

- 5.1 The current annual budget allocated to instrumental provision is approximately £600K this is almost all accounted for as instructor's salary costs.
- 5.2 Almost all instrumental instructors are employed on a peripatetic basis. Therefore they are considered as essential car users. Instructors are therefore entitled to claim mileage expenses for their travel between schools. In 2009-2010 this amounted to £33.4K
- 5.3 Shetland Islands Council agreed the implementation of the scheme for charging a contribution to the costs of provision in July 2010.
- 5.4 Based simply on instructors' available teaching time it was projected that the scheme could yield £130K.
- 5.5 As the scheme has been developed and implemented it has emerged this figure is unlikely to be achievable under the current arrangements. The main reasons are:

- Owing to the Blueprint for Education decision in relation to 50 minute periods, the originally proposed 30 minute lessons were reduced to 25 minutes. The annual charge was therefore reduced from £160 to £140.
- Under current timetabling arrangements almost all instructors will be unable to fully meet their contractual 27.5hour pupil contact time.
- Teaching time lost as travelling was not factored in.
- Teaching time lost as a result of non-uptake in some schools was not factored in.
- Pupils in receipt of free school meal entitlement or clothing grants are not liable for charges. This could not be accounted for until the scheme was fully implemented.
- Similarly to the above point, pupils studying towards a Scottish Qualification Authority qualification award (Standard Grade, Higher Grade, etc.) are not liable for charges. This could not be accounted for until the scheme was fully implemented.
- Some students studying for Higher and Advanced Higher grades receive double lessons. This reduces the capacity of some instructors teaching time.

Taking account of the above factors, the anticipated yield for the current school session is £70K. The start date of the scheme in conjunction with parent's choice to pay by termly instalment means this amount will be split over two financial years with approximately £49K in current financial year. There is capacity to increase this as management of instructors' time becomes more efficient.

- 5.6 51% of respondents to the questionnaire disagreed with the implementation of the charges with 49% agreeing.
- 5.7 Conversely 51% of respondents thought that the amount of £140 per annum was correct or too small with 49% who thought it was too large.

- 5.8 It should be noted here that the development and implementation of the scheme required a substantial amount of officer time. It is anticipated that, as the scheme and the resulting new ways of working become more established the amount of administration time required will decrease.

6. Conclusions

- 6.1 In recognition of the current financial climate, any conclusions and recommendations will be set against a premise that the current budget for this area of provision will not be increased and that revenue raised through the parental contribution scheme will not be spent in this area of provision.
- 6.2 The staffing complement for this area of provision is adequate for an authority of this size. More efficient use of the available pupil contact time must be made to make best use of this resource.

Authority	Number of Pupils *	Instructors (Full-time equivalent)
Shetland	3,683	15.72
Orkney	2,767	7.03
Western Isles	3,674	2.85
East Ayrshire	15,000 (approx)	14.90

* School Census Sept 2009

- 6.3 Deployment of staff needs to be examined on an annual basis to ensure that as many pupils as possible receive lessons in their school.
- 6.4 Management of instructors at both school and strategic levels needs further improvement to ensure and quality-assure this provision.
- 6.5 The range of instruments offered in schools is very wide, however some instruments or groups of instruments are only offered by one instructor. The result is inequality of provision in schools. Additionally concern has been noted over the sustainability of provision should such individuals retire or resign as suitably qualified replacements may be difficult to recruit. There are regular requests for instruction on guitar that cannot be met.
- 6.6 The process by which children sit grade examinations is inconsistent and is not recorded centrally. There are aspects of the administration that are unsatisfactory.
- 6.7 The 25 minute lesson has been widely criticised. The allocated time should be direct contact time between instructor and pupil. It is not acceptable for instructor time to be used fetching and returning pupils to classes. Within a lesson it is reasonable to expect some time to be spent preparing for playing, some to be spent on theory of music and some on care of instruments in addition to actual playing time.

- 6.8 The 25 minute lesson allows an instructor's 27.5 hours pupil contact time to be fully utilised giving 66 pupil lessons in a week. A 30 minute lesson however would also give full usage of the available contact time. This would result in 55 pupil lessons. There would, however, be several issues to consider before making a decision to extend the lesson time, these are:
- A reduction in the overall number of lessons available to pupils to access instrumental instruction.
 - Instrumental lessons would not align with secondary schools 50 minute periods therefore instructors and some pupils could not have the same break and lunch timings as the rest of the school community.
 - Secondary pupils leaving a subject class to attend an instrumental lesson would probably return to a different subject class following a lesson. This would result in disruption to two classes rather than one.
 - To maintain the current level of revenue generation the annual charge would need to rise from £140 to £160 per annum.
- 6.9 The scheme of charging has also been widely criticised. The Schools Service has had to identify savings in all areas of its service provision. The implementation of the scheme of charges meant that a more straightforward reduction of the service has not been considered.
- 6.10 The implementation of the scheme of charges has required instructors, schools and central staff to work in new ways. For some colleagues this has been difficult and time consuming with some aspects of the scheme presenting more difficulties than expected.
- 6.11 A part-time centrally based Instrumental Co-ordinator could be employed to undertake all administration associated with instrumental provision in Shetland. Their main tasks would be:
- To monitor instructor's timetables to ensure full use is made of contact time.
 - To administer the scheme of charges.
 - To undertake all administration tasks associated with presentation for grade exams
 - To undertake all administration associated with the loan and maintenance of Schools Service owned instruments.

There will be no line management duties associated with this post. Direct line management responsibility of instrumental instructors will remain with base school Head Teachers. The funding for this post would come from the existing budget and should only be recruited to when a vacancy emerges within the service area. Based on existing pupil uptake information, any shortfall in provision resulting from not recruiting a replacement instructor can be found within existing staffing.

7. Recommendations

- 7.1 The range of instruments on offer in schools should be narrowed to support equality and sustainability of provision. This should be done through natural wastage over a period of years.
- 7.2 The current scheme of provision has not been in place long, the scheme should be allowed to continue until June 2012 to allow full alignment with the new 50 minute periods.
- 7.3 The Schools Service has identified some areas where some amendments to the scheme would support more efficient administration. The Schools Service should revise the scheme of provision and present this to the next Council cycle.
- 7.4 The scheme has proven to be time consuming in its administration and has impacted on officer and administration workload. The Schools Service should appoint a temporary part-time Instrumental Instruction administrator as detailed in 6.11 above. This post will be subject to monitoring and review to assess the impact on the service in order to determine the longer term need.

Appendices:

- 1a. Instrumental Instruction Survey Questionnaire
- 1b. Instrumental Instruction Survey results statistical analysis
- 2. Local Negotiating Committee for Teachers 35 hour working week agreement for instructors.
- 3. Instrumental instruction availability in Shetland Schools
- 4. Instrumental provision currently being deliver to pupils in schools

Schools Service Review of Instrumental Instruction

During the last year, the Schools Service has been reviewing how it delivers musical instrumental instruction in schools. Shetland Islands Council requested a full review of the provision and a report will be table at the first committee cycle of 2011.

This questionnaire invites input to the review process from all interested individuals or groups. Please answer as many of the questions as you wish, it will be very useful if you can also give the reasons behind your response.

The facts below are intended to inform your consideration

Currently:

- ♫ the Schools Service currently employs 20 people to deliver instrumental instruction in its schools this equates to 15.72 full-time jobs. Almost all of the instructors travel between several schools;
- ♫ we provide instruction in 22 different instruments plus voice. These are:
Piano and Keyboard – approx. 30% of overall provision.
Drums – approx 6% of overall provision
Woodwind - Flute, Oboe, Bassoon, Clarinet, Saxophone, Recorder – approx. 13% of overall provision
Brass - Cornet, Trumpet, Tenor Horn, Trombone, baritone horn and tuba – approx 6% of overall provision
Strings - Violin, Viola, Cello, Double Bass – approx 8% of overall provision
Traditional - Accordion, Fiddle, Mandolin – approx. 33% of overall provision
Voice – approx. 2% of overall provision;
- ♫ 775 children or 21% of the current total pupil population receive instruction on a musical instrument or voice with 55 vacancies;
- ♫ the annual budget for this provision is approx. £600K which is almost entirely salary costs;
- ♫ pupils learning to play may be studying towards grade examinations, as part of an Scottish Qualifications Authority course or as part of their broad general education.

What is your opinion of number of instructors employed?

Far too many ☐ Too many ☐ Correct ☐ Too few ☐ Much too few ☐

Comment:

What is your opinion of the number/range of instruments being offered?

Far too many ☐ Too many ☐ Correct ☐ Too few ☐ Far too few ☐

Comment:

What is your opinion of the number of pupils receiving instruction?

Far too many ☐ Too many ☐ Correct ☐ Too few ☐ Far too few ☐
 Comment:

What is your opinion of the budget allocated to this provision?

Far too large ☐ Too Large ☐ Correct ☐ Too small ☐ Far too small ☐
 Comment:

In August 2010 the Council introduced a scheme of charging a contribution towards the costs of this provision. What is your opinion of this?

Agree ☐ Disagree ☐
 Comment:

The charge is currently £140 per year what is your opinion of number of this amount?

Far too large ☐ Too Large ☐ Correct ☐ Too small ☐ Far too small ☐
 Comment:

Under the scheme of charging, individual lessons last 25 minutes. This allows for the most efficient use of instructors contracted contact time within the revised period lengths. What is your opinion of this?

Far too long ☐ Too long ☐ Correct ☐ Too short ☐ Far too short ☐
 Comment:

Please use this box to add any further comments that you may wish to make

Please indicate in what capacity you are completing this survey.

Pupil/Student

Parent/Carer

Teacher/Instructor

Member of extended musical Community (please clarify in the box below)

Member of the public

Group (please clarify in the box below)

Please use the box below to clarify your answer above if appropriate.

Completed forms should be returned by Friday 2 December 2010 to:
Jerry Edwards, Schools Service, Hayfield House, Hayfield Lane, Lerwick, ZE1 0QD

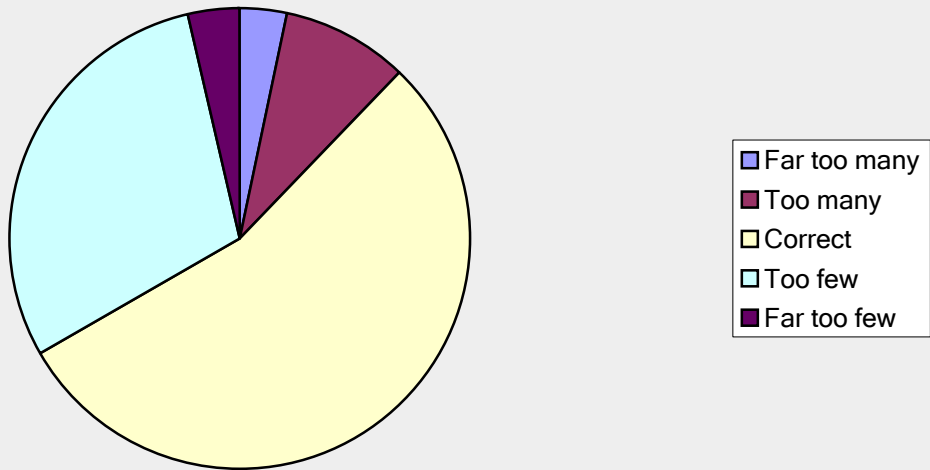
This form is also available electronically from jerry.edwards@shetland.gov.uk

SIC Schools Service Review of Instrumental Instruction Provision

Question 1 - What is your opinion of the number of instructors employed?

Answer Options	Response Percent	Response Count
Far too many	3.3%	13
Too many	8.8%	35
Correct	54.5%	216
Too few	29.8%	118
Far too few	3.5%	14
Comment		154
<i>answered question</i>		396
<i>skipped question</i>		34

What is your opinion of the number of instructors employed?

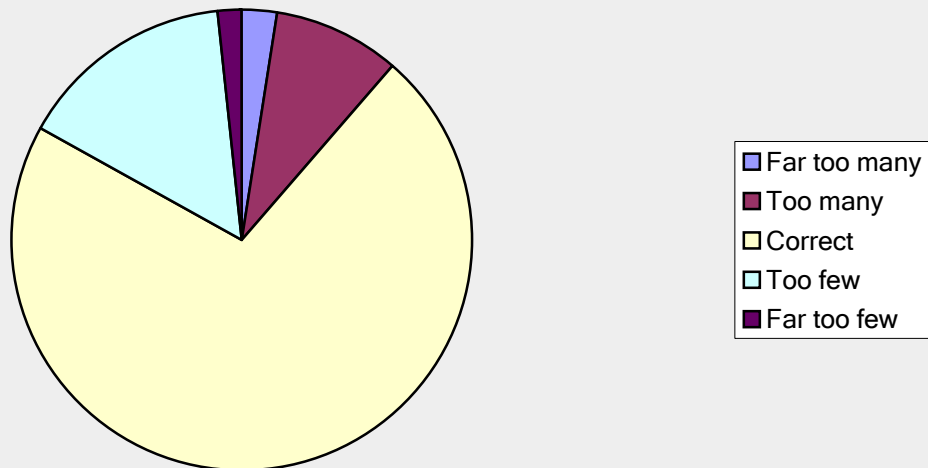


SIC Schools Service Review of Instrumental Instruction Provision

Question 2 - What is your opinion of the number/range of instruments being offered?

Answer Options	Response Percent	Response Count
Far too many	2.5%	10
Too many	8.9%	36
Correct	71.6%	290
Too few	15.3%	62
Far too few	1.7%	7
Comment		138
<i>answered question</i>		405
<i>skipped question</i>		25

What is your opinion of the number/range of instruments being offered?

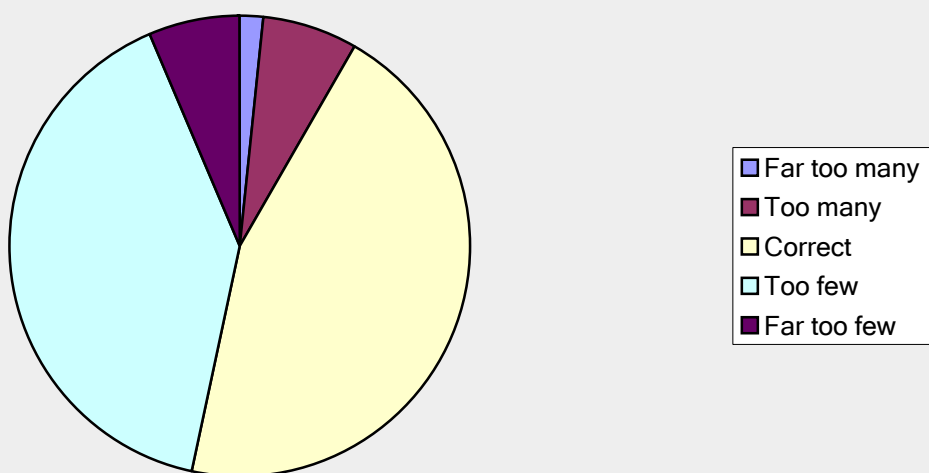


SIC Schools Service Review of Instrumental Instruction Provision

Question 3 - What is your opinion of the number of pupils receiving instruction?

Answer Options	Response Percent	Response Count
Far too many	1.8%	7
Too many	6.6%	25
Correct	45.0%	171
Too few	40.3%	153
Far too few	6.3%	24
Comment		156
<i>answered question</i>		380
<i>skipped question</i>		50

What is your opinion of the number of pupils receiving instruction?

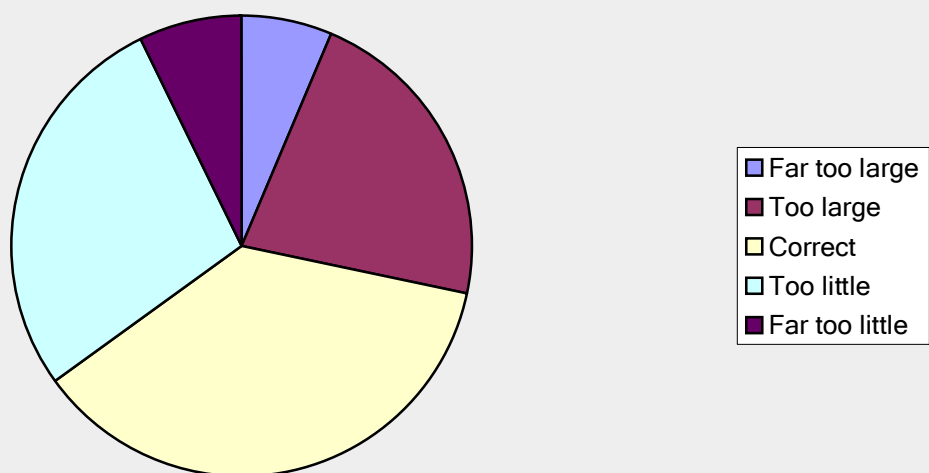


SIC Schools Service Review of Instrumental Instruction Provision

Question 4 - What is your opinion of the budget (£600K) allocated to this provision?

Answer Options	Response Percent	Response Count
Far too large	6.4%	23
Too large	21.8%	78
Correct	36.7%	131
Too little	27.7%	99
Far too little	7.3%	26
Comment		149
<i>answered question</i>		357
<i>skipped question</i>		73

What is your opinion of the budget (£600K) allocated to this provision?

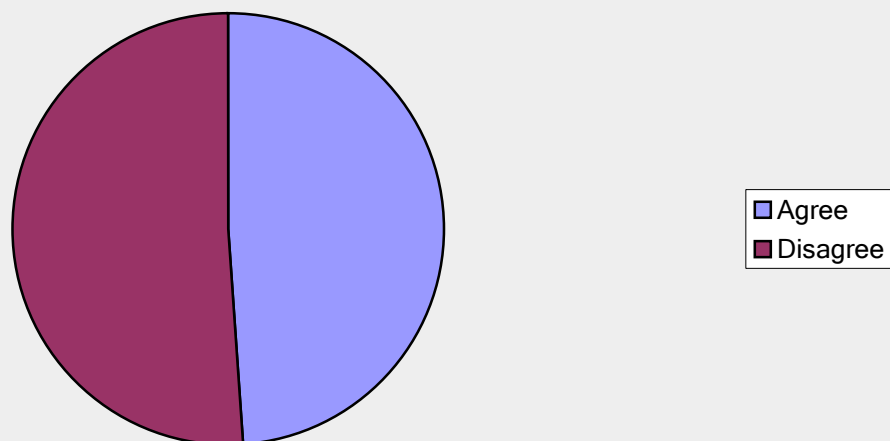


SIC Schools Service Review of Instrumental Instruction Provision

Question 5 - In August 2010, Shetland Islands Council, introduced a scheme of charging a contribution towards the costs of this provision. What is your opinion of this?

Answer Options	Response Percent	Response Count
Agree	49.0%	197
Disagree	51.0%	205
Comment		199
<i>answered question</i>		402
<i>skipped question</i>		28

In August 2010, Shetland Islands Council, introduced a scheme of charging a contribution towards the costs of this provision. What is your opinion of this?

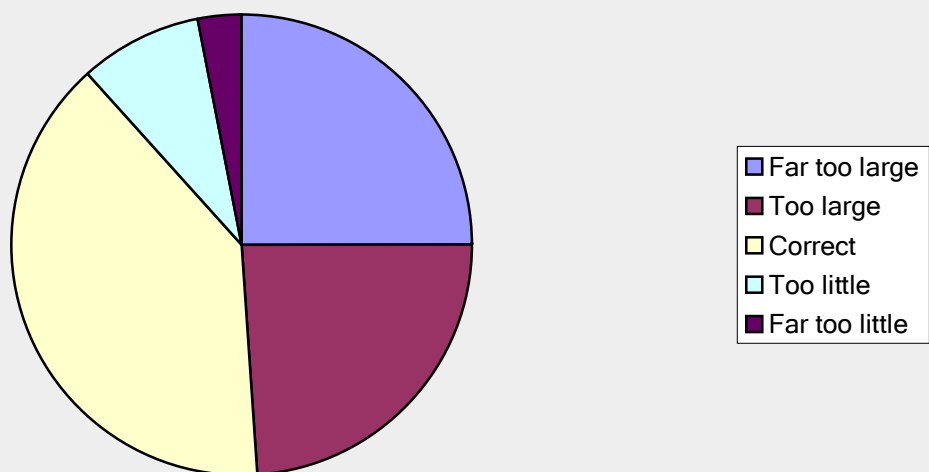


SIC Schools Service Review of Instrumental Instruction Provision

Question 6 - The charge is currently £140 per year. What is your opinion of this amount?

Answer Options	Response Percent	Response Count
Far too large	25.1%	98
Too large	23.8%	93
Correct	39.4%	154
Too little	8.7%	34
Far too little	3.1%	12
Comment		191
<i>answered question</i>		391
<i>skipped question</i>		39

The charge is currently £140 per year. What is your opinion of this amount?

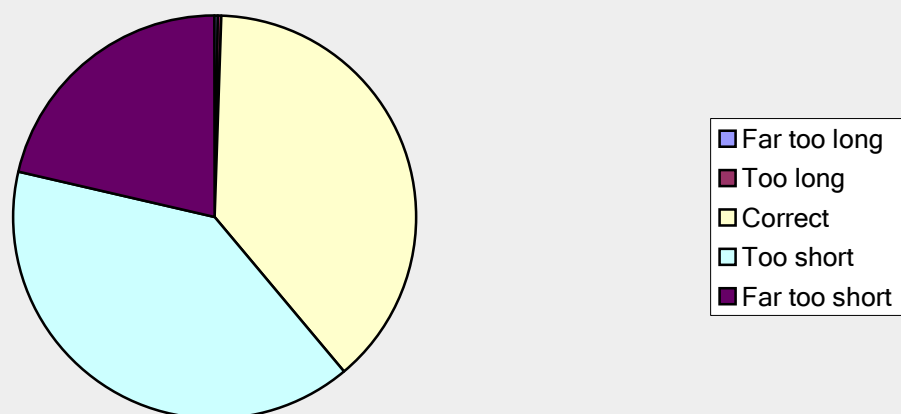


SIC Schools Service Review of Instrumental Instruction Provision

Question 7 - Under the scheme of charging, individual lessons last 25 minutes. This allows for the most efficient use of instructors' contracted pupil contact time within the revised period lengths. What is your opinion of this?

Answer Options	Response Percent	Response Count
Far too long	0.3%	1
Too long	0.3%	1
Correct	38.2%	152
Too short	39.9%	159
Far too short	21.4%	85
Comment		214
<i>answered question</i>		398
<i>skipped question</i>		32

Under the scheme of charging, individual lessons last 25 minutes. This allows for the most efficient use of instructors' contracted pupil contact time within the revised period lengths. What is your opinion of this?



SIC Schools Service Review of Instrumental Instruction Provision

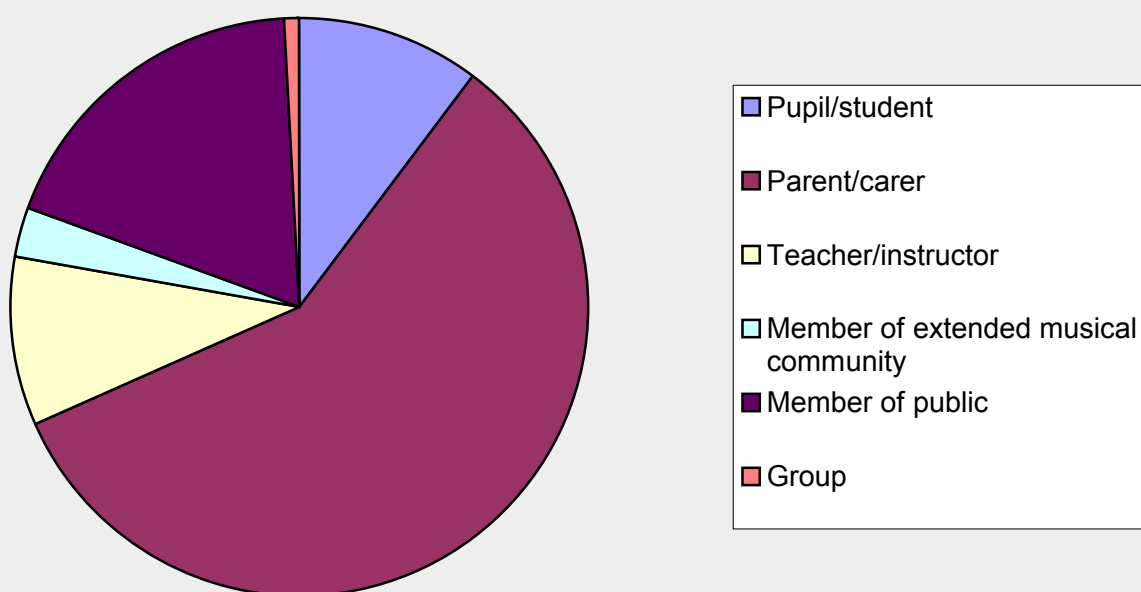
Question 8 - Please use this box to add any further comments that you may wish to make.

Answer Options	Response Count
	187
<i>answered question</i>	187
<i>skipped question</i>	243

Question 9 - Please indicate in what capacity you are completing this survey.

Answer Options	Response Percent	Response Count
Pupil/student	10.2%	44
Parent/carer	58.1%	250
Teacher/instructor	9.3%	40
Member of extended musical community	3.0%	13
Member of public	18.6%	80
Group	0.7%	3
Please use this box to clarify response if applicable.		49
<i>answered question</i>		430
<i>skipped question</i>		0

Please indicate in what capacity you are completing this survey.



Passed by LNCT 10 March 2008

1. BACKGROUND

This document deals with the application of SNCT 11 and subsequent circulars providing guidance on working arrangements for instructors who are deployed in a single school or across a number of schools.

The relevant issues relate to instructors having a maximum class contact time of 27.5 hours a week within the 35-hour working week. These arrangements apply to all instructors.

Head Teachers should ensure that the following guidelines are implemented.

2. CLASSES

Instructors working across a number of schools will be deployed wherever possible within a group of primary schools associated with one secondary school. For some specialist this will not be possible and conditions may have to be negotiated on an individual basis reflecting the unique nature of the particular instructors work. Instructors will have a designated base school. The number of classes seen or sessions taught per week will vary significantly given the size of schools, the number of sessions and the necessary travelling time between schools. The length of each class session will vary with age and the nature of the activity. Where the head teacher of the base school considers that circumstances merit departure from these guidelines, the LNCT Joint Secretaries should be consulted. Both joint secretaries must agree before any deviation from the agreement can be implemented.

3. TRAVELLING TIME

Instructors have a maximum class contact time of 27.5 hours per week. Travelling time between schools must be planned within the 27.5 hours. Individualised timetables should be agreed to take account of the travelling time from the base school to the other schools in which they are deployed. Where instructors are required to travel a distance beyond their base school to their first school of the day, the extra time required to travel beyond the base school will be counted as travelling time. This will also apply at the end of the day if the last school is a considerable distance beyond the base school.

Peripatetic instructors are entitled to a lunch period of 40 minutes a morning break of 20 minutes should be included in their timetable. These breaks need not be at the same time as those of other staff. They are expected to report to their first school of the day at its normal opening time in order that the allocated class commences at the planned start of the session. Where exceptional distances are involved the LNCT Joint Secretaries will determine a reasonable starting time and this will be clarified in the timetabling arrangements.

As staff who travel during their working day may be more at risk during times of adverse weather it is especially important that they are aware of the councils adverse weather policy and that their base school manager ensures that they are fully informed on travelling in bad weather. Safety of staff should be paramount and the judgement of the person expected to travel should be respected.

4. USE OF REMAINING TIME

The working week of an instructor is made of:

27.5 hours pupil contact.

2.5 hours maintenance and preparation

5 hours CPD (agreed with line manager)

195 hours of collegiate time annual.

Recognition must be made of the activities instructors undertake in supporting group work outside the normal working day.

It will be necessary to ensure that time for individual staff consultation and joint planning is included. It is important therefore to ensure a balanced approach is taken to the planning of the remaining time. Base school head teachers will negotiate with the member of staff and other head teachers as appropriate to determine local arrangements, which should be agreed prior to the start of each school session. Instructors deployed across a number of schools should not be expected to take part in more than one whole staff discussion/after school group meeting/centrally convened instructors meeting etc in any one week.

5. PARENTAL MEETINGS

Instructors need not be required to attend but where they do attend full consideration must be given to the 35 hour working week. All such attendance must take into account travel time and should be planned well in advance. (see above)

6. ANNUAL PROFESSIONAL REVIEW AND CONTINUING PROFESSIONAL DEVELOPMENT

All instructors have an entitlement to an annual professional review. This review will be undertaken by the base school head teacher and be conducted within the Council's agreed procedures for annual review. Continuing professional development needs arising from these discussions should be processed through the normal channels in order that staff development needs for peripatetic staff are incorporated within the overall service staff development programme. Staff development funding will be allocated to the peripatetic instructors base school. Head Teacher's of all schools visited are expected to release staff for development activities agreed by the teacher and their base school manager.

7. IN-SERVICE TRAINING DAYS

It is anticipated that peripatetic instructors will be engaged in preparation in their base school on the day prior to the start of each session. Where a head teacher wishes to engage a n instructor in training activities on one of the school based closure days, this should be discussed with the teacher and the head instructors of the other schools in which the member of staff is deployed and appropriate arrangements made well in advance. It is envisaged that such arrangements would be in place immediately following the Easter break.

8. PLANNING, ASSESSMENT AND REPORTING ISSUES

Head instructors have a responsibility to ensure that all pupils receive a broad and balanced education within the current curriculum guidance framework. The contribution of peripatetic instructors may form only a part of the pupil's learning experience in that curriculum area. It is essential therefore that the curriculum input should be jointly planned with the class teacher.

Peripatetic instructors work with a large number of pupils across a number of schools. It is important therefore that the additional workload in generating reports is recognised in their working time agreement.

9. PART-TIME PERIPATETIC INSTRUCTORS

Such instructors should operate these guidelines on a pro rata basis.

Instruments available in schools/clusters

Establishment	Accordion	Alto Sax	Baritone	Bassoon	Cello	Clarinet	Cornet	Double Bass	Drums	Fiddle	Flute	Keyboard	Mandolin	Oboe	Piano	Recorder	Saxophone	Tenor Horn	Trombone	Trumpet	Violin	Woodwind	Voice
Hamnavoe Primary						✓				✓					✓								
Nesting Primary										✓					✓								
Scalloway Junior High School	✓	✓			✓	✓	✓	✓	✓	✓	✓	✓			✓		✓	✓		✓			
Skerries School																							
Tingwall Primary										✓	✓				✓								
Whalsay School	✓									✓					✓								
Whiteness Primary						✓				✓	✓				✓					✓			
Anderson high School	✓	✓	✓		✓	✓		✓	✓	✓	✓	✓			✓		✓	✓		✓	✓		
Bells Brae Primary					✓	✓				✓	✓				✓					✓	✓		
Bressay Primary										✓					✓								
Foula Primary																							
Sound Primary				✓	✓	✓	✓		✓	✓	✓			✓	✓		✓		✓	✓	✓	✓	
Baltasound Junior High School	✓					✓				✓	✓												
Burravoe Primary															✓								
Cullivoe Primary										✓													
Fetlar Primary																							
Mid Yell Junior High School	✓					✓			✓	✓	✓				✓		✓						
Uyeasound Primary	✓									✓	✓												
Brae High School	✓	✓			✓	✓			✓	✓	✓		✓		✓		✓						
Lunnasting Primary										✓													
Mossbank Primary										✓	✓				✓								
North Roe Primary																							
Ollaberry Primary										✓					✓								
Olnafirth Primary										✓													
Urafirth Primary										✓													
Cunningsburgh Primary						✓				✓					✓	✓					✓	✓	
Dunrossness Primary	✓					✓				✓	✓				✓				✓	✓		✓	
Fair Isle Primary																							
Sandwick Junior High School	✓				✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Aith Junior High School	✓	✓				✓			✓		✓				✓					✓			✓
Happyhansel Primary										✓					✓								
Papa Stour Primary																							
Sandness Primary															✓								✓
Skeld Primary										✓													

INSTRUMENTAL INSTRUCTION - DATA AS AT 14 January 2011

Appendix 4

Total number of pupils receiving Instrumental Instruction: 698

Of which, total number of pupils receiving 2 Instruments: 52

Total number of spaces allocated: 750

Breakdown of pupils receiving Instrumental Instruction per school

	TOTAL	Accordion	Alto Sax	Baritone Sax	Bassoon	Brass	Cello	Clarinet	Cornet	Double Bass	Drums	Fiddle	Flute	Horn	Keyboard	Mandolin	Oboe	Percussion	Piano	Recorder	Tenor Sax	Tenor Horn	Trombone	Trumpet	Violin	Voice	Woodwind
AHS	155	6		1			2	5		1	21	35	12	1	8	1		1	36		3	1	1	6	14		
Aith	45	3	1					4			4	10	3						13		2			4		1	
Baltasound	7	2						1				3	1														
Bells Brae	63					1	7	3	1			11	3						28					1	8		
Bressay	4											3							1								
Brae	68	2	1				3	4			3	19	2			1			31		2						
Burravoe	1																		1								
Cullivoe	3											3															
Cunningsburgh	15						1	2				5							3	1					2		1
Dunrossness	23	2						2				5	2						8					2			2
Tingwall	12											4	4						3						1		
Hamnavoe	10							1				5	1						3								
Happyhansel	8											2							6								
Lunnasting	4											4															
Mid Yell	24	4						3			4	7	3						1		2						
Mossbank	5											2	1						2								
Ollaberry	4											1							2						1		
Olnafirth	3											3															
Sandness	3																		2	1							
Sandwick	84	8					2	9	2		6	12	5						19	1	5	1	1	3	10		
Scalloway	56	2	1			1	1	4	5	1	6	12	4						12		1	2		4			
Skeld	2											2															
Sound	76				1		4	1	3		1	26	1				1		25		3		1	2	7		
Nesting	6											3							3								
Whalsay	36	11										10							15								
Urafirth	4											4															
Uyeasound	8	1										5	2														
Whiteness	19							3				3	1						9					2	1		
Home Tutored	1										1																
New Start	1																										
TOTAL	750	41	3	1	1	2	20	42	11	2	46	199	45	1	8	2	1	1	223	3	18	4	3	24	44	1	3



REPORT

To: Services Committee

3 February 2011

From: Sport and Leisure Services Manager

Capital Grants to Voluntary Organisations Upgrade of North Unst Public Hall

1. Introduction

- 1.1 The purpose of this report is to consider a request for funding from the North Unst Public Hall (NUPH) to upgrade its kitchen and anteroom/backstage area. If approved, this funding will modernise the hall for use by the local community and allow it to work in partnership with other local providers to offer short stay package holidays on the Island.

2. Links to Corporate Plan

- 2.1 This project will assist the Council to achieve its corporate priorities for Culture, Recreation and Community Development in Unst. The project will support personal and community development and increases access to a broad range of cultural, learning and recreational activities.
- 2.2 This project will also support the Council priority for strengthening the economy and helping to improve the economic sustainability of Unst.

3. Risk Management

- 3.1 There are no immediate risks to the Council in this report. However should this project be delayed, there is a risk that the hall's kitchen will fail to comply with food and hygiene requirements and will no longer be usable for events in the Hall. This would have a negative impact on the community and jeopardise all future events in the hall and potentially lead to the closure of the hall.
- 3.2 If NUPH cannot secure this grant from the Council then there is a risk that a substantial amount of external funding would be lost for this project and to Shetland.

4. Background

- 4.1 NUPH committee was originally formed in 1968. The hall was completed and opened the same year.

- 4.2 Since its construction, the NUPH has been upgraded on two occasions. The last in 1996 saw the hall being extended and internally refurbished, with the exception of the kitchen and the anteroom/backstage area. These areas were not upgraded due to lack of funds at that time.
- 4.3 In 2006 NUPH carried out extensive community consultation, which identified that the hall's kitchen and anteroom/backstage areas are in need of upgrading. The consultation also highlighted proposals that the hall should consider diversifying its activities to offer services and facilities for visitors to Unst.
- 4.4 In October 2007, Shetland Islands Council awarded a Feasibility Grant of £3,437 to NUPH to explore the possibility of upgrading the hall's kitchen and anteroom/backstage areas.
- 4.5 In July 2008, Shetland Islands Council awarded a Design Grant of £15,000 to NUPH to undertake the detailed design phase of upgrading the hall's kitchen and anteroom/backstage areas.
- 4.6 NUPH is an important community facility in the north of Unst and is well used by the local community. The hall provides a venue for a wide range of social, recreational and leisure activities as well as weddings, private parties and public meetings.
- 4.7 Members should note that there are three public halls in Unst. The other two at Baltasound and Uyeasound are understood to be in a reasonable condition.

5. Present Position

- 5.1 The Feasibility and Design stages of the project have been completed, including the approval of a Building Warrant.
- 5.2 Members should note that over the last two years NUPH has been working closely with officers in the Education and Social Care Department to apply for external funding. To date, NUPH has successfully raised in excess of £100,000 towards the capital costs of this project.
- 5.3 In order to progress the project on schedule, NUPH now require match funding to be agreed. If agreed, this match funding will secure the external funding and allow the project to commence in the spring of 2011. Consequently, NUPH have submitted a Capital Grant Application Form to the Council requesting grant assistance of £100,000 towards their project. This is the maximum grant available from the Council and is only available in exceptional circumstances. These circumstances are that the hall kitchen and other areas are in very poor condition, which if not addressed could potentially lead to the closure of the hall. In addition, it is a requirement of the Convergence Fund that every pound provided by it, must be matched by a pound from a public source. Therefore, in order to secure this external grant and complete the funding package for this project it is being proposed to offer the maximum grant.

- 5.4 The estimated construction cost of this project is £170,000. However, with an allowance for professional fees, statutory consents and non-recoverable VAT the total cost of this project rises to £245,869 including VAT. This project cost is based on a pre-tender estimate and has been calculated by the group's Design Team. Members should note that NUPH is currently in the process of competitively tendering the project with tender submissions due to be submitted by mid February.
- 5.5 Members should note that over the last year NUPH have also been working closely with a number of other local organisations, including visitor attractions, public halls, businesses and accommodation providers in Unst, to develop a Tourism Strategy for the Island. NUPH is taking a leading role in this innovative partnership, in which it is proposed that the hall will become a base for visitors to Unst providing information, food and refreshments as well as hosting local entertainment and events.
- 5.6 The reason for locating these activities in the NUPH rather than in Baltasound or Uyeasound is because of its strategic location in Haroldswick. The NUPH is within walking distance of a number of the main tourist attractions in Unst i.e. the Unst Boat Haven, Unst Heritage Centre, Viking Unst, Valhalla Brewery and Foords Chocolate Factory which are also located in Haroldswick. In addition, the Saxa Vord Resort is also based in Haroldswick and within walking distance of the hall. The NUPH is also the nearest hall to Muckle Flugga Lighthouse, Hermaness and Keen of Hamar all of which are popular attractions with tourists to Unst.
- 5.7 The Tourism Strategy has been designed to attract more visitors to Unst and will enable visitors to the island to participate in short stay, package holidays. If successful, this venture should provide significant social and economic benefits for the Island.
- 5.8 When complete, the works will provide NUPH with a modern, fully compliant, extensively refurbished kitchen and an upgraded anteroom/backstage area. The proposed works include the following improvements:
- Provision of insulation in kitchen;
 - Installation of new appliances and stainless steel worktops;
 - Upgrade of electrical and plumbing services;
 - Improved anteroom area with toilet and storage space;
 - Redecoration and new flooring.
- 5.9 It should be noted that NUPH does not have charitable status and is not registered for VAT.

6. Proposed Funding

6.1 The following funding arrangement is proposed:

	Total Project Costs (£)	Total Paid to Date (£)	Remaining Funding Required (£)
Shetland Islands Council	118,437	18,437	100,000
EU Convergence Fund	<u>100,000</u>	<u>0</u>	<u>100,000</u>
Total Public Funding	218,437	18,437	200,000
North Unst Public Hall	<u>27,432</u>	<u>14,378</u>	<u>13,054</u>
TOTAL PROJECT COSTS	<u>245,869</u>	<u>32,815</u>	<u>213,054</u>

6.2 The EU Convergence Fund has confirmed its award of the above amount.

6.3 NUPH has confirmed that its contribution of £13,054 is in place.

7. Financial Implications

7.1 The Sport and Leisure Service's budget for Grants to Voluntary Organisations – General (GCJ3006 2406) for the financial year 2010/11 has sufficient funds to meet the request from NUPH.

8. Policy and Delegated Authority

8.1 In accordance with Section 13 of the Council's Scheme of Delegations, the Services Committee has delegated authority to make decisions on matters within approved policy and for which there is a budget.

9. Recommendations

I recommend that the Services Committee agree: -

9.1 a grant of up to £100,000 to North Unst Public Hall for the purposes outlined in this report.

9.2 that the above grant be subject to the standard Council conditions applying to the Capital Grant Aid Scheme.

January 2011

Our Ref: NWW/MD/CH34

Report No: CD-01-11-F



REPORT

To: Services Committee

3 February 2011

From: Head of Schools

Additional Social Space at Anderson High School

1. Introduction

- 1.1 The purpose of this report is to seek approval in principle for the construction of additional social/dining space, for pupils currently attending the Anderson High School, which could also be used as a flexible teaching area or assembly space.

2. Link to Council Priorities

- 2.1 The Council will ensure a model for education is developed by 2009 that considers the educational and financial viability for schools and communities and its outputs are then implemented.
- 2.2 The Council will work to create and maintain a culture where individual learners can strive to realise their full potential.
- 2.3 The Council's Corporate Plan includes a commitment to, "improve our teaching facilities by completing the new Anderson High School".

3. Risk

- 3.1 Two areas of risk have been identified:

- Legal risk, as the link corridor, whilst being used as a social space represents a possible contravention of fire evacuation regulations owing to obstruction caused by pupils and their belongings.
- Physical risk, similar to above, as the obstruction of a main fire evacuation route represents a physical risk to all users of the school. Currently a member of staff is deployed to closely monitor health and safety in this area.

4. Background

- 4.1 In December 2010 Shetland Islands Council decided to relocate the Anderson High School to a site at the Lower Staney Hill in Lerwick (Min Ref. SC168/10).
- 4.2 The most recent estimated date for completion of the new build school is August 2017.
- 4.3 Lack of appropriate social and dining space in the current Anderson High School building is one of the key issues to be addressed by the construction of a new Anderson High School.
- 4.4 In February 2010 a modular building was constructed adjacent to the School's main hall, and was allocated to senior pupils as a social space. This relieved some of the congestion that had been occurring in the general purpose area near the physical education department.

5. Current Situation

- 5.1 The current S1 pupil cohort are allocated the link corridor between the main dining area and the three Clasp buildings as their social area for use during break and lunchtimes.
- 5.2 This area had not been designed for this purpose and is not seen as an appropriate area for young people to gather out of timetabled class time.
- 5.3 The link corridor is considered as a main fire evacuation route. The school has in place measures to take account of the pupils presence in this area. However, given that pupils have no access to lockers, belongings, such as coats and schoolbags, remain with pupils for the duration of the day. When deposited around this area during break and lunchtimes, these should be considered as obstacles that pose a significant risk in the event of a fire evacuation.
- 5.4 The link area has a pupil supervisor at intervals and lunchtimes. The supervisor monitors health and safety in the link area. A member of school management team is also on duty around the school.

6. Proposals

- 6.1 Some initial discussions have taken place with Capital Programming Service on how to alleviate the issue. It is proposed to site a simple timber framed building adjacent to the school and connected by a short walkway. This will be simply furnished for use as a social area and could also be used as a flexible teaching or assembly space. If funding is secured it is proposed that the works be undertaken this year.

7. Financial Implications

- 7.1 The overall costs of this project are estimated as £80K - £100K. It is proposed that half of the required funding be accessed using a Gateway application for capital funding with the other half being found from existing Schools Service building maintenance budgets in financial year 2011-2012.
- 7.2 All associated revenue costs will be paid from existing Anderson High School operating budgets.

8. Policy and Delegated Authority

- 8.1 In accordance with Section 13 of the Council's Scheme of Delegations, the Services Committee has delegated authority to make decisions relating to matters within its remit for which the overall objectives have been approved by Council, in addition to appropriate budget provision.
- 8.2 The Council currently retains full authority for decisions on the Capital Programme so there is no delegated authority for Services Committee to amend the priority and funding for capital projects.

9. Recommendation

- 9.1 I recommend that Services Committee recommend to Shetland Islands Council that they approve the proposal to apply for capital funding through the Gateway process to extend the current Anderson High School building.

January 2011

Our Ref: HB/JE/sm

Report No: ED-02-F



REPORT

To: Services Committee

3 February 2011

From: Head of Housing

Report No: HS-03-11

Proposals for Pitt Lane & Park Lane Lerwick

1. Introduction

- 1.1 Council Properties at Pitt Lane & Park Lane had been identified for external re-rendering works to be carried out in the financial year 10/11. Work was commenced but very quickly identified a number of structural defects to these properties.
- 1.2 There are several options for the remedy of these defects and these are outlined within this report for consideration. However, as these options go beyond the existing delegated authority, a decision on how to proceed is required.
- 1.3 This report words to determine the Council's preferred option at this stage with the review of HRA funding at a later date.

2. Links to Corporate Priorities and Risks

- 2.1 Sustainable Organisation - Help us to make sure that we are making best use of our resources and delivering services as effectively as possible. The Council has, through its Local Housing Strategy (LHS), a stated aspiration for more affordable housing.
- 2.2 The 2009/10 Housing Service plan identifies that the Council's Housing Service will, *"Work in partnership with others to enable everyone in Shetland to have access to a choice of affordable housing options, across **all tenures** that are warm and safe, energy efficient and in keeping with the Shetland environment, of good quality and in good repair, able to meet demand and the particular needs of households in inclusive and vibrant communities"*.
- 2.3 The 2009/10 Housing Service action plan requires the Head of Housing to, *"Continue to investigate options for increasing housing supply in Shetland"*.

- 2.4 The Key Purpose of Shetland's Single Outcome Agreement is to maintain the Economically Active Population throughout Shetland, with a specific outcome to ensure the right house is available in the right place at the right price. The Council, in its Corporate Plan 2010/12 is undertaking actions to contribute to meeting this Purpose and Outcome.
- 2.5 There is an existing and continuing risk of claims against the Council arising from damage or injury from the buildings in their present condition.
- 2.6 While some of the existing properties remain uninhabitable there is a loss of rental income and less properties available to meet the statutory demands upon the Council's Housing service.
- 2.7 There are risks associated with continuation of Housing Support Grant (HSG) and the ability of the Housing Revenue Account (HRA) to fund this project.

3. Background

- 3.1 The properties at 7,7a, 9a, 11, 11a, 15, 15a, 20, 20a, 22, 22a, 24, 24a Pitt Lane & 10,10a, 12, 12a, 14 & 16 Park Lane have been identified as requiring external re-rendering works in 2010/11. This gives a total of 7 x 1 bed flats and 12 bedsits, plus a 1 bed flat (No 9 Pitt Lane) which is sold. All of these properties were constructed mid 1970's.
- 3.2 There is a private owner occupying No 9 Pitt Lane.
- 3.3 A contract was awarded to commence re-rendering works in June 2010. Work later commenced on the blocks containing 12,12a, 14 & 16 Park Lane & 20,20a Pitt Lane. This work started with chopping off the old render / harling.
- 3.4 This work revealed that there were extreme structural problems associated with these properties. In particular, the block work to the outer leaf was defective with crumbling blocks. There was insufficient and defective wall ties and as later revealed defective foundations. All of these problems were compounded by poor workmanship from the original construction period. The result was in places complete collapse of the outer leaf of block work.
- 3.5 As a result work was stopped and Building Control issued a Dangerous Building Notice. In response temporary propping was put in place to make the remaining structure safe. This was supervised by structural engineers and completed to the satisfaction of Building Control.
- 3.6 A formal suspension of the works contract was issued until the Council was in a position to make a decision on how to proceed. Since that time the site was made safe and secure and is regularly inspected.
- 3.7 The tenants of the properties were decanted into emergency accommodation and remain in that position until a solution is found.

- 3.8 In the meantime, properties at 20, 16, 12 & 12a have sustained further flood damage as a result of a burst water main in the roof space. This is the subject of a current insurance claim. The flood damage is as I understand covered by insurance; the damage from structural defects is not.
- 3.9 Further investigative works were carried out on all similar properties and they are all found to be in the same condition.
- 3.10 To make the immediately affected properties safe and complete the works to the external insulated system of the properties is estimated to be £423k. It should be noted that this excludes any internal works. This option would still leave remedial works required to other similar properties.
- 3.11 Legal services are advising on how best to amend/suspend or terminate the current works contract for re-rendering.
- 3.12 In addition to all these complications, the continuation of Housing Support Grant (HSG) remains in doubt. This will have the knock on effect of changing the Housing Revenue Account (HRA) financial modelling. Thus, the cash flows relating to HRA activity and the Housing Repair & Renewal fund is likely to change.
- 3.13 Taking the funding complications in 3.11 into account, it remains likely that some form of adjustment will be required to the HRA and its reserves in the future. However, a decision on how to proceed with the Pitt/Park Lane properties is required in the short term.
- 3.14 In summary this report is seeking a decision on the options presented today. A full long term financial plan will be prepared to the Services Committee and the Council once the outcome of the Scottish Government review of housing support grant is known and it will include the Committee's preferred option alongside all other revenue and capital commitments.

4. Option Appraisal

4.1 External Refurbishment

- 4.1.1 Engineers have detailed a solution that provides an insulated timber kit in lieu of the external block work outer leaf. This system (Structherm) is a tried and tested product successfully used by the Council on previous projects.
- 4.1.2 All other elements and parts of the structure would remain unchanged.
- 4.1.3 This option does not address the internal condition of the properties. The internal parts of the properties will be due replacement / refurbishment in the medium term in any event.
- 4.1.4 These works can be carried out whilst tenants remain in the property thus avoiding the need for decants. However, to do so would be disruptive for tenants.

- 4.1.5 External refurbishment leaves the current configuration and so no possibility to improve the present layout of the blocks or the individual properties.

4.2 Full Internal & External Refurbishment

- 4.2.1 This would be the works as described in 4.1 with the addition of a full internal refurbishment.
- 4.2.2 The works associated with Council internal refurbishments comprise:
- Internal linings;
 - Internal joinery works (facings, skirtings, doors etc);
 - Kitchen replacement;
 - Bathroom replacement;
 - Electrical re-wiring;
 - New plumbing installation;
 - Redecoration:
- 4.2.3 Completion of external and internal refurbishment would result in properties that were modern and well insulated to current standards.
- 4.2.4 There would be minor scope for alterations but this is limited to the footprint of the building and the existing access routes.
- 4.2.5 This option would require tenants to be decanted for the period of refurbishment.

4.3 Demolish & New Build

- 4.3.1 This would entail the complete demolition of the existing properties and building back more modern units to current standards.
- 4.3.2 As flat No 9 Pitt Lane is sold, this could only be an option for this block if the owner of No 9 is willing to sell their property. If they are not willing to sell, the Council could demolish the remainder of the blocks and build new. The Council could then refurbish their remaining properties around No 9, working around the needs of the owner. Thus, while the purchase of No 9 Pitt lane would be desirable for this option, it is not essential.
- 4.3.3 This option would require some time to be spent on design works and obtaining the relevant planning permissions and building warrant approvals. It should be noted that the site lies within a conservation area and may be subject to additional scrutiny and requirements of the planning service.
- 4.3.4 On the other hand, it would also present an opportunity to build back properties that are not only to a higher standard but, more in keeping with this part of the town.

- 4.3.5 The existing bedsits are difficult to let and unpopular with residents. A new build option would present an opportunity to improve upon the existing stock. It would also present an opportunity to build back more units than the current numbers. This would bring the added advantage of providing smaller units in an area of high demand.
- 4.3.6 Decant properties would have to be found for existing tenants during the design and construction phases.
- 4.3.7 By limiting the size of any new 1 bed flats to approx 60sq.m, it is estimated that subject to planning approval an additional 8 No units can be added back to any new build scheme for use by the Council.
- 4.3.8 The costs estimated for this proposal are estimated at the high end, as the position of the site in a conservation area would be expected to bring higher development costs than might be expected in other areas.
- 4.4 Minimal works
- 4.4.1 This would see the minimum amount of work done now to repair the existing 6 affected properties and defer any decision on other works for a future date.
- 4.4.2 This is in effect re-instating the buildings to their original condition without improvement.
- 4.4.3 This option would simply delay the requirement for a decision and would not improve the quality of the built environment, or conditions for tenants.
- 4.5 Summary – A table summarising the various options is set out below in table 1. Anticipated time frame would start from confirmation of a Council decision to proceed.

Table1.

Option	Cost estimate £m	Decants required	Anticipated time frame
External refurbishment	£1.41	No	6-9 months
Internal & External refurbishment	£1.85	Yes	12 months
Demolish & new build	£2.58	Yes	18-24 months
Minimal works	£0.42	No	2-3 months

5. Financial Implications

- 5.1 In all cases HRA resources can be utilised as far as it is practicable to do so but some adjustment to the HRA and its reserves may be required in the medium to long term. As stated in paragraph 3.1.4 a full long term financial plan will be prepared to the Services Committee and the Council once the outcome of the Scottish Government review of housing support grant is known and it will include the Committee's preferred option alongside all other revenue and capital commitments. The review will be carried out when the result of HSG negotiations are known, or the project has reached a stage when significant financial / contractual commitments have to be made.

6. Policy and Delegated Authority

- 6.1 All matters relating to Housing stand referred to the Services Committee in accordance with Section 13 of the Council's Scheme of Delegations. The Committee has delegated authority to make decision on matters within its remit for which the overall objectives have been approved by the Council, in addition to appropriate budget provision.

7. Conclusions

- 7.1 While some defective block work might always be expected, the extent of damage in this case, linked to other structural problems and poor workmanship presents the Housing service with an extreme situation beyond what might normally be expected. On the other hand, as refurbishment is due in any case, the scale of what is required makes the demolition and new build a viable alternative that might not otherwise have been considered. The new build option also presents an opportunity for the Council to rid itself of poor quality stock and replace these units with a high quality alternative. This brings a further possible advantage of adding back additional units in a high demand area (subject to planning approval). Any new properties will be at a higher cost but would also leave the Council with assets that have a longer life cycle.

8. Recommendations

8.1 I recommend that Services Committee recommend that the Council:

- 8.1.1 Agree to accept option 4.3 to demolish the existing properties and build back new flats, adding into the design as many additional units as planning policy allows;
- 8.1.2 Agree that a full long term financial plan will be prepared to the Services Committee and the Council once the outcome of the Scottish Government review of housing support grant is known or a significant financial / contractual commitment has to be made, which will include the Committee's preferred option alongside all other revenue and capital commitments for consideration..

Date: 3 February 2011
Our Ref: CM/LJ

Report No: HS-03-11



REPORT

To: Services Committee

3 February 2011

From: Head of Housing

Report No: HS-04-11

Homeless Mediation Project

1. Introduction

- 1.1 There are various reasons why people lose their home or face the threat of homelessness, such as loss of job or reduction in income, relationship breakdown, family breakdown, family problems, domestic abuse or the onset of mental illness. The reason the majority of people lose their home in Shetland is because of family and relationship breakdown.
- 1.2 Tackling homelessness is a key part of fighting poverty and inequality, and preventing homelessness is a key priority of the Scottish Government. By 2012 every unintentionally homeless household will be entitled to permanent accommodation, so preventing homelessness is more important than ever as 2012 approaches.
- 1.3 The Housing Service aims to prevent homelessness occurring wherever possible. Prevention activity includes pre-crisis intervention, which can take the form of advice and mediation services; and activities which prevent the recurrence of homelessness.
- 1.4 This report seeks approval to grant a one off payment from within existing budgets to Family Mediation Shetland, in order to establish a pilot Homeless Mediation project for young people aged 16 to 17. This project would aim to reduce the numbers of young people within this age group becoming homeless, and to minimise the impact of homelessness on a young person should it occur.

2. Links to Corporate Priorities and Risk

- 2.1 Housing is a key contributor to the Council's Community Planning Partnership priorities in maintaining an economically active population. The Single Outcome Agreement has the following strategic outcome under its 'stronger' section: *Ensure all unintentionally homeless households are entitled to settled accommodation by 2012.* Audit Scotland have identified this as a risk for the Council and this report puts forwards one proposal to help address that risk.
- 2.2 The Single Outcome Agreement also has the following strategic outcome under it's 'healthier' section: *We will support and protect the most vulnerable members of the community, promoting independence and ensuring services are targeted at those that are most in need.*
- 2.3 The 2010/11 Housing Service Plan identifies that Housing Services will: *Continue to work towards the national target for eliminating homelessness by 2012, including revised policies and procedures.*
- 2.4 In terms of risk, there is no direct financial risk associated with this report. However, there are economic, social, education and health risks associated with homelessness. The consequences of homelessness, especially for young people, will have financial implications for those Council services supporting housing, social, education and health.

3. Proposal – Pilot Homeless Mediation Project

- 3.1 One of the most common reasons for homelessness in Shetland is disagreements and disputes between families and friends who are no longer willing to accommodate others. Minor problems in the home can quickly escalate into something more serious, which may result in homelessness.
- 3.2 Shetland also appears to have a disproportionate number of young people threatened with homelessness, when compared to other similar local authority areas.
- 3.3 During 2008/09, 36 young people aged 16 to 17 years presented as homeless in Shetland. This was 13% of the total presentations in that year. In 2009/10, this figure was 29 (10%). In Orkney in the same period, 11 young people aged 16 to 17 years (12%) presented as homeless, and in the Western Isles in the same year, 8 young people aged 16 to 17 (4%) presented as homeless.
- 3.4 The main reason for the presentations was family relationship breakdown, resulting in the young person being asked to leave the family home.
- 3.5 It is recognised that mediation services can be particularly appropriate to a range of situations including young people who have disagreements / disputes with parents or friends.

- 3.6 Family Mediation is a confidential, impartial service, which could with additional funding, offer intergenerational mediation to a young person at risk of homelessness and their family or carers.
- 3.7 Family Mediation can help people to consider the nature of the situation and enable them to make realistic choices about their future housing circumstances.
- 3.8 This report seeks approval to establish a pilot Homeless Mediation project within Family Mediation Shetland, for young people aged 16 to 17 years to prevent crisis homelessness where possible, and to build positive relationships with a family member or carer to assist tenancy sustainment in the future.
- 3.9 Due to resource limitations within Family Mediation, the service would have to be prioritised to those most at risk and in need, as Family Mediation can currently only offer the service for 7 hours per week. If approved, the service would therefore be provided to fifteen young people in the pilot year.
- 3.10 The aims of the project would be to: -
- Help young people and their families communicate better with one another
 - Improve the relationship(s) between the young person and the people they live with (e.g. parent, carer, partner, relative or friend)
 - Provide the opportunity to explore all the young person's housing options e.g. remaining in or returning to current home / situation, being supported to move into alternative accommodation or presenting as homeless to the local authority
 - Reach a decision that is acceptable to everyone involved about the future, where the young person lives and the relationships that they have with family and friends
- 3.11 It is important to recognise that there could be a range of final outcomes, all of which would be considered successful in terms of this project. These could include:
- the young person returning home or remaining at home
 - the young person returning home for a short/fixed period before moving elsewhere
 - the young person remaining outside the home, living with other family or friends
 - the young person moving to alternative accommodation, with the family agreeing to support the young person to live independently.
- 3.12 A draft service specification is included at Appendix A for information.
- 3.13 During the pilot, the effectiveness of the project will be monitored and evaluated. If appropriate, and if ongoing funding can be sourced from within existing resources, a Service Level Agreement may be developed for the ongoing provision of this service.

- 3.14 In addition, and if the project is to continue, the aim would be to work in partnership with Family Mediation and Social Work to develop the Homeless Mediation Service to include mediation to young people under the age of 16, identified as being at risk of homelessness.

4. Financial Implications

- 4.1 The one off grant payment for the pilot project of £7,000 can be funded from within existing 2010/11 approved homelessness budgets. There are therefore no direct financial implications arising from this report.
- 4.2 In terms of a best value assessment, the Council needs to consider the most appropriate means of delivering services for the best possible cost. Options for delivery will include in-house provision, partnership working, out-sourcing from the private sector or commissioning a service from a voluntary sector provider. In this instance, commissioning the service from a local voluntary sector provider is the most appropriate means of securing this service, as Family Mediation Shetland is an expert provider with fully trained staff and volunteers experienced in working in this specialist field. In terms of cost, the price reflects the cost of the Family Mediation Worker's time, with all overheads being covered by existing Family Mediation funding. The rate per hour is about £19, which is considered to be good value for the specialist service being provided.

5 Policy & Delegated Authority

- 5.1 As described in Section 13 of the Council's Scheme of Delegations, the Services Committee has delegated authority to make decisions on matters within its remit for which the Council has approved the overall objectives.

6. Conclusion

- 6.1 Prevention of homelessness is a key priority in order to meet the Scottish Government's 2012 homelessness targets. There are a disproportionately high number of young people who present as homeless in Shetland each year. Family Mediation is recognised as an appropriate prevention of homelessness activity, and is particularly appropriate in relation to young people who have disagreements with parents or carers. This report seeks approval to offer a one-off grant payment to Family Mediation Shetland to establish a pilot Homeless Mediation project for young people aged 16 – 17 for one year up to 31st March 2012.

7. Recommendation

7.1 I recommend that Services Committee:

- a) approve the payment of a one-off grant of £7,000 to Family Mediation Shetland, to establish a pilot project for one year subject to suitable grant conditions regarding service delivery and accountability;
- b) note that a further report on the evaluation of the project will be brought to Services Committee at the end of the pilot project.

Date: 3 February
Our Ref: VS/LJ

Report No: HS-04-11

Appendix A

Draft specification for the provision of the Homeless Mediation Service

Service Profile

The Service Provider will provide:

A Homeless Mediation Service to undertake a range of duties including a mediation service to young people aged 16 to 17 years to prevent crisis homelessness where possible, and to build positive relationships with a family member or carer to assist tenancy sustainment in the future.

Objectives and Targets

The Service Provider will provide a Homeless Mediation Service, which will aim to:

- Help young people and their families communicate better with one another
- Improve the relationship(s) between the young person and the people they live with (e.g. parent, carer, partner, relative or friend)
- Provide the opportunity to explore all the young person's housing options e.g. remaining in or returning to current home / situation, being supported to move into alternative accommodation or presenting as homeless to the local authority
- Reach a decision that is acceptable to everyone involved about the future, where the young person lives and the relationships that they have with family and friends

This could include:

- the young person returning home or remaining at home
- the young person returning home for a short/fixed period before moving elsewhere
- the young person remaining outside the home, living with other family or friends
- the young person moving to alternative accommodation, with the family agreeing to support the young person to live independently.

Targets

The mediator will:

- Try to respond to all referrals within 7 working days
- Have knowledge of basic homelessness issues
- Signpost to other services, as appropriate
- Offer initial appointments within 10 working days from first contact

The Homeless Mediation Service will:

- Provide a Homeless Mediation service to 15 young people during the pilot
- Provide training to Housing staff about the Homeless Mediation Service
- Report on the service in line with the potential intervention outcomes and the performance indicators detailed below

- Promote the benefits of the project to other agencies and to the targeted age group
- Jointly evaluate the Homeless Mediation Service before the end of the pilot, with the Housing Service
- Review the Homeless Mediation Service and consider future development
- Complete service update reports as necessary for external funders
- Seek continued funding for the future of the Homeless Mediation Service

Potential Intervention Outcomes

- Remained at home, relationship improved
- Returned home, as relationship improved
- Temporary return home, planned move undertaken
- No return home, but relationship improved
- Negotiated a temporary move to friend / relative
- Specific advice given / referrals made
- Initial meeting, client not interested in mediation
- Expressed an interest but failed to attend appointment
- Refusal of mediation by the evictor
- Mediation not appropriate (possible abuse)

Performance Indicators

- Number of young people receiving the service
- Intervention outcomes
- % of young people where homelessness was prevented, initially
- % of young people still residing in family home after 6 months
- Average hours spent on any one case
- % of young people expressing satisfaction with the service
- Average time from referral to initial contact with young person

REPORT

**To: CHP Committee
Community Planning Delivery Group
SIC Services Committee**

**Date 27 January 2011
31 January 2011
3 February 2011**

From: Head of Community Care

**Report No: SC-01-11-F
Report Title: Reshaping Care for Older People - Change Fund**

1. Introduction

- 1.1 This report presents information regarding progress made in Shetland to implement the Scottish Government Policy on Reshaping Care for Older People.
- 1.2 The report seeks approval for proposals regarding the allocation of specific funding available from the Scottish Government to support work in this area in 2011/2012.

2. Links to Corporate Priorities

- 2.1 The proposals in this report support the objectives of Shetland's Community Health and Care Partnership (CHCP) as set out in the CHCP Agreement 2010 – 2013, specifically:
 - to enable more older people to remain at home;
 - to increase levels of independence, self-care and self managed care;
 - to reduce unplanned, emergency and inappropriate admissions to hospital; and
 - to facilitate early discharge from hospital.
- 2.2 The proposals contribute to the work being undertaken locally to meet Scottish Government policy objectives on Shifting the Balance of Care, Reshaping Care for Older People, the national Dementia Strategy and Carers' Strategy and NHS Shetland Quality Strategy.

- 2.3 Key performance measures are included in Shetland's Single Outcome Agreement.

3. **Risks**

- 3.1 A local change plan must be agreed by the Council, NHS Shetland and Third Sector and Independent Sector partners and submitted to the Scottish Government by 28 February 2011 in order to be able to access Shetland's Change Fund allocation of £328,000 for 2011/2012.
- 3.2 Failure to agree a plan and continue the work on CHCP objectives for older people could jeopardise the significant progress made in 2010/2011 in this area, leading to poorer outcomes for older people and higher costs caused by increasing numbers of older people being admitted to or delayed in hospital and/or residential care settings.

4. **Background**

- 4.1 The Scottish Government has recognised that current patterns of care for older people are not sustainable for a number of reasons including:-
- demographic pressures, in particular the projected growth in the proportion of older people;
 - the associated workforce issues;
 - the need to continually improve health and social care outcomes;
 - the increasing cost of institutional care; and
 - financial pressures.
- 4.2 The Scottish Government has also recognised that current patterns of care may at times act against the agreed policy objective of maximising independence for as long as possible.¹
- 4.3 The Reshaping Care for Older People programme is a joint initiative whereby the Scottish Government, NHS Scotland and COSLA aim to engage all interests across Scotland to reshape care and support services in order to meet the national policy objectives in ways that are sustainable and fair. The programme is being taken forward through the Ministerial Strategic Group on Health and Community Care which is chaired by Shona Robison, Minister for Public Health and Sport.

¹ "Reshaping Care for Older People – Emerging Proposals" MSG/DECEMBER 2009/PAPER 3, Mike Martin, Scottish Government PIOD Partnership Improvements & Outcomes Division

- 4.4 The programme was launched at a Joint Leadership Summit in May 2009. The summit on 8 February 2010 provided an opportunity to consider the outcomes of the work undertaken so far with a view to developing plans for wider public engagement during 2010.
- 4.5 The Change Fund for 2011/2012 has been set up by the Scottish Government to support the Reshaping Care agenda by providing bridging finance to facilitate shifts in the balance of care from institutional to primary and community settings.
- 4.6 Shetland's share of the £70 million set aside for 2011/2012 is £328,000. This will be paid to Shetland NHS Board following approval by the Ministerial Strategic Group of a Reshaping Care Change Plan for Shetland that has been agreed by the Council, NHS Shetland and Third Sector and Independent Sector Partners. Draft Plans must be submitted to the Ministerial Strategic Group by 28 February 2011.
- 4.7 A copy of the Change Fund Guidance is attached below at Appendix 1.
- 4.8 The Change Plan is expected to contribute to the Partnership's longer term strategy for shifting the balance of care locally and for this to be reflected in a joint commissioning strategy.
- 4.9 Shetland's CHCP Commissioning Strategy 2009-2015 was approved by the Council in February 2009 (Min. Ref. SC 04/09) and Shetland NHS Board in March 2009 and is an integral part of Shetland's CHCP Agreement.

5. **Proposals**

- 5.1 A stakeholder event has been organised for 7 February 2011 at Islesburgh Community Centre to discuss the Change Fund and work on Shetland's Reshaping Care Change Plan for 2011/2012.
- 5.2 The Change Plan will focus on the development work required to implement local policy objectives on Shifting the Balance of Care taken from the CHCP Agreement. These will include:
 - 5.2.1 *Anticipatory Care and Long Term Condition*; further work is needed to embed anticipatory care planning in primary care and develop self care and self-managed care support networks in collaboration with Third Sector Partners;

- 5.2.2 *Generic Health and Care Support Worker Models*; to make better use of resources across Shetland;
- 5.2.3 *Non-doctor islands*; to create sustainable solutions to meet the needs of small island communities;
- 5.2.4 *Respite Care Strategy*; further developing the role of care centre settings; linking to local carers' strategies and plans for the funding allocation for Carer Information Strategies in 2011/2012;
- 5.2.5 *Poly pharmacy issues*; reviewing medication systems for older people
- 5.2.6 *Dementia and specialist medical resources for older people*; and
- 5.2.7 *Locality models of service provision*; continuing the development of integrated care models in localities across Shetland; using Telecare and extra care housing, linking to the Local Housing Strategy.
- 5.2.8 *Community Capacity Building*: Work with the third sector to develop innovative community support models.
- 5.2.9 *Review hospital bed requirements*: Take forward the work from the Clinical Strategy regarding possible hospital bed closures and review the work plan for additional long term care places.
- 5.3 The total spend on services for older people is included in the Older People's section of the CHCP Agreement. The use of the Change Fund will be considered in that context.
- 5.4 The CHCP Agreement is updated annually. The revised agreement covering 2011 – 2014 will include the Reshaping Care Change Plan and allocation of the Change Fund budget.
- 5.5 Work will be required in 2011/2012 to further develop the CHCP Commissioning Strategy in line with the Change Fund Guidance. It is anticipated that further guidance will seek to establish Joint Commissioning Strategies for 2012 – 2020 that will encompass longer term Change Plans.
- 5.6 The Change Fund Guidance states at paragraph 2.2 that "Local Change Plans should be prepared and submitted through local Community Planning Partnerships processes, acknowledging that this may be taken forward through delegated and devolved arrangements such as CHPs/CHCPs or other local health, housing and social care partnership frameworks." Draft plans are to be submitted by 28 February 2011.

- 5.7 It is proposed that Shetland's Change Plan is drafted following the stakeholder event on 7 February and formally agreed as part of the CHCP Agreement 2011 – 2014 which will be presented to Shetland NHS Board and SIC Services Committee in March 2011 and that the implementation and monitoring of progress against the Change Plan is undertaken by the CHCP Management arrangements, reporting to the CHP Committee on a quarterly basis.

6. **Financial Implications**

- 6.1 The Change Fund allocation for Shetland in 2011/2012 is £328,000.
- 6.2 The funding will be made available through NHS Shetland subject to approval by the Scottish Government of a Local Change Plan agreed by Shetland's Community Health and Care Partnership in line with the Guidance attached at Appendix 1.

7. **Policy and Delegated Authority** ^{SIC only 2}

- 7.1 In accordance with Section 13 of the Council's Scheme of Delegations, the Services Committee has delegated authority to make decisions on the matters with approved policy and for which there is a budget.

8. **Conclusions**

- 8.1 Shetland's CHCP has made considerable progress in implementing the national policy objectives of Reshaping Care for Older People and Shifting the Balance of Care.
- 8.2 The Reshaping Care Change Fund provides a welcome opportunity to accelerate progress on existing work streams and build on the success of the Interim Placement Services Review completed in 2010.
- 8.3 The timescale for developing the Change Plan is extremely tight, however, much of the information required is contained in the CHCP Agreement and this can be updated and agreed by Shetland's CHP partners using existing governance frameworks.

² For Shetland Islands Council Services Committee only

9. Recommendations

- 9.1 I recommend that members of CHP Committee, Community Planning Delivery Groups and SIC Services Committee:-
 - 9.1.1 note the information presented in this report and the Reshaping Care for Older People Change Fund Guidance attached at Appendix 1;
 - 9.1.2 consider the proposals presented in Section 5 above;
 - 9.1.3 agree that a Draft Change Plan is prepared following the stakeholder event on 7 February incorporating the topics in paragraph 5.2 above and that this is submitted to the Ministerial Steering Group by the deadline of 28 February 2011;
 - 9.1.4 agree that the Change Plan will be formally agreed as an integral part of the CHCP Agreement 2011 – 2014 due to be presented to Shetland NHS Board and SIC Services Committee in March 2011; and
 - 9.1.5 agree that the implementation of the Change Plan will be taken forward by the CHCP Management Team and monitored by the CHP Committee on a quarterly basis.
- 9.2 I further recommend that the Community Planning Delivery Group consider and agree on regular updates for the Community Planning Partnership from the CHP Committee.

Date: 13 January 2011
Ref: CF'AN'SC-01-11

Report No: SC-01-11-F



Chief Executives, Local Authorities
Chief Executives, NHS Boards
Directors of Social Work and Chief Social Work Officers
Directors of Finance, Local Authorities
Directors of Finance, NHS Boards
Directors of Housing
General Managers, Community Health Partnerships
Relevant Professional and Voluntary Organisations

23 December 2010

Dear Colleague,

RESHAPING CARE FOR OLDER PEOPLE – CHANGE FUND GUIDANCE

Further to the announcement in the 2011/12 budget of the introduction of a Change Fund to support the implementation of the Reshaping Care for Older People Programme, please find attached guidance that sets out the arrangements to enable local partnerships to access their allocation of the Fund.

This guidance has been agreed by the Ministerial Strategic Group (MSG) for Health and Community Care and requires local partnerships to prepare Change Plans that set down how the funding will be used to achieve a shift in the balance of care. The MSG will oversee the development process nationally and will look for assurance that partnership arrangements are in place to deliver change locally. Local Delivery Plans will be submitted to the MSG to ensure that a coherent national picture is achieved.

Change Plans should be prepared and agreed by the Council, the NHS Board, Third Sector and Independent Sector partners and submitted to the Scottish Government by 28 February.

We acknowledge this is a short timescale and have therefore kept the requirements of the plan to a minimum. Assistance is also available, if required, to help partnerships prepare and deliver their Change Plans. A practical workshop to assist with preparation is also being arranged for 2 February in Edinburgh. A flyer containing further details is enclosed with this letter.

The MSG has also agreed a longer-term Reshaping Care Delivery Plan. Pending consideration by COSLA and NHS Chairs, this strategic plan will be published in the early weeks of 2011 and will provide the context within which the Change Fund should be applied in order to meet our ambitions for Reshaping Care.

We hope you recognise the potential that the Change Fund offers to make real progress towards meeting the ambitions of our Reshaping Care for Older People Programme, and look forward to receiving your Change Plans in early 2011.



Shona Robison
Minister for Public Health and Sport



Cllr Douglas Yates
COSLA Spokesperson for Health and Wellbeing

RESHAPING CARE FOR OLDER PEOPLE

CHANGE FUND: GUIDANCE FOR LOCAL PARTNERSHIPS

1. Background

1.1 The principal policy goal of the Reshaping Care for Older People programme is to optimise independence and wellbeing for older people at home or in a homely setting. The implications of the current financial situation and demographic changes make this a challenging task, as improved services need to be provided for an increasing number of people using a diminishing level of resources. It is widely recognised that maintaining the status quo will not suffice and significant shifts to anticipatory and preventative approaches are required to achieve and sustain better outcomes for older people. A philosophy of care based on the principles of co-production and achieved through effective partnership working across the statutory and non-statutory sectors is at the core of the Reshaping Care for Older People programme. Further information about the Reshaping Care programme can be found at the following web link www.scotland.gov.uk/topics/health/care/reshaping.

1.2 The Scottish Government has established a Change Fund of £70m for 2011/12 to enable health and social care Partners to implement local plans for making better use of their combined resources for older people's services. The Change Fund will provide bridging finance to facilitate shifts in the balance of care from institutional to primary and community settings, and should also influence decisions taken with respect to the totality of Partnership spend on older people's care.

1.3 Developments undertaken using the Change Fund will build on the wide range of innovative work already underway across Scotland, including the [Community Care Outcomes Framework](#), the [Integrated Resource Framework](#) (IRF), the Long Term Conditions Action Plan, the [Rehabilitation Framework](#), [Self-directed Support](#), [Dementia](#) and [Carers](#) Strategies and the development of improved Local Housing Strategies with better links to Shifting the Balance of Care together with related service redesign initiatives such as reablement, telecare and intermediate care. Through this, the Change Fund will also support progress towards the Ambitions set out in the Quality Strategy.

1.4 The Change Fund has been established using a portion of the NHS uplift flowing to Scotland from the UK Spending Review. It will be distributed, subject to submission of appropriate Partnership plans, through NHS Boards as part of the 2011/12 allocation using a formula based on NRAC and GAE. The indicative allocation for each Board and Council area is set out at Annex A. While these allocations should be used for the purposes of service planning, it should be noted that the distribution has yet to be formally endorsed by Council Leaders and indeed Parliament.

1.5 The Change Fund presents a good opportunity for partnerships to make real progress in a difficult financial climate and we are anxious that the requirement to develop Change Plans is proportionate and realistic given the very short time frame and other competing pressures facing Partnerships. While we are looking for ambitious and bold proposals we recognise that for 2011/12 these will in the main need to be built on current initiatives and developments. The Change Plans themselves do not need to be long and involved but should convey the confidence that Partners are working together in a constructive way and are focussed on changes that will deliver the scope to make significant shifts in core budgets to enable resources to be more readily directed toward our key policy goal of helping more older people stay safe and well in their own homes.

1.6 Initially, the Change Fund is available in 2011/12; however, it is our intention, subject to Parliamentary Approval, to include the Fund in the next Spending Review process. It is reasonable for Partnerships to plan on the basis of a change fund in the region of £300m over the period 2011/12 – 2014/15. The 2011/12 Change plans should be seen as interim or starter plans – capturing the best information and ideas available now while signalling the areas for development during 2011/12 to enable more complete Plans to be prepared for future years. The expectation being set down through this process is that this and future change funding will support the broader aims of Reshaping Care for Older People Programme which has a 10 year horizon to deliver significant shifts in the balance of care from institutional to community settings. It is in this context that we are signalling that next year's Change Plan should be longer term Joint Commissioning Strategies (2012 – 2020) and that time and capacity needs to be identified during 2011/12 to ensure this can be achieved. Partnerships are encouraged to consider the best arrangements for delivery of Joint Commissioning Strategies, including the option of lead commissioning arrangements.

1.7 This guidance explains what is required of Partners in order to access the funds.

2. Accessing the Change Fund

2.1 Each of the 32 local Partnerships is invited to submit a short plan that has been agreed by all partners to the Ministerial Strategic Group (MSG) for Health and Community Care. This Group is chaired by the Minister for Public Health and Sport and its membership consists of four elected members from COSLA, four Health Board Chairs and representatives of the Third and Independent Sectors. The MSG will oversee the development process nationally and will look for assurance that partnership arrangements are in place to deliver change locally. Local Delivery Plans will be submitted to the MSG to ensure that a coherent national picture is achieved. Senior officers from the Scottish Government, Local Government and the NHS will also be available to support and advise on the development of Local Change Plans.

2.2 Local Change Plans should be prepared and submitted through local Community Planning Partnership processes, acknowledging that this may be taken forward through delegated and devolved arrangements such as CHPs/CHCPs or other local health, housing and social care partnership frameworks. Plans must be prepared and agreed by the Health Board, the Council and Third and Independent Sector partners.

2.3 Plans will need to be agreed and in place by June 2011 at the latest to achieve that balance, and will be considered by the Ministerial Strategic Group at its meeting in March if available. Plans should, as far as possible, build on current strategic plans and should be brief – no more than two or three pages long. On that basis, and recognising the need to make good and quick progress, we urge partnerships to submit at least draft plans by the end of February.

2.4 Plans will need to demonstrate that systems and relationships are in place locally to deliver against the following criteria:

- What the Partnership is planning in terms of enabling significant changes in service planning and provision with a focus on innovation and development in community settings. The purpose of the Fund is not simply to plug gaps in current patterns of delivery but rather to enable accelerated development of services and supports that will deliver better models of care, and act as a foundation for substantive changes to service planning and delivery in the medium to long term;

- Recognition that this is a Partnership budget to support partnership ambitions and as such is distinct from Resource Transfer or aligned budget approaches;
- Plans for 2011/12 should focus on work that will be undertaken during that year, and should show how actions taken in 2011/12 contribute to the Partnership's longer term strategy to shift the balance of care and be reflected in a joint commissioning strategy; and
- The Partnership is looking to strike a balance between managing reduction in NHS hospital demand and capacity and providing reassurance to allow local government and partners to underpin community based services and supports.

Key measures of success or outputs from use of the Change Fund might include, for example:

- Reduction in unplanned acute bed-days in the over 75 population;
- Reduction in bed-days lost to delayed discharge;
- Remodelled care home use;
- Increase in proportion of older people living at home;
- Improved support for unpaid carers;
- Increased personalisation/SDS care; and
- Increases in housing related support.

Where Partners are unable to agree a plan, the Change Fund will not be available for the Board to spend.

2.5 As noted above, we anticipate that Change Plans will draw heavily from existing partnership plans and strategies, including Community Care plans, Joint Commissioning Strategies or Older People's service plans. Planning for local use of the Change Fund provides Partners with a further opportunity to ensure alignment and integration across the range of initiatives being pursued in partnerships – such as carers' support, Dementia Strategy delivery, rehabilitation and long term conditions work, and so on.

3. Plan Content

3.1 A plan template and advice notes are provided at Annex B. Each plan should capture:

- Total Partnership resources** for older people's services. This information should be available from the IRF mapping work undertaken in Health Boards and some Council areas. All Partnerships, and particularly those where work on the IRF is at a less advanced stage of development, will be supported by the Scottish Government to identify total resources on older people's services. An example is provided at Annex C. Where possible, resources should extend to include housing and non statutory sector contributions. Consideration of capital resources should also be noted. A baseline position should be established using 2009/10 outturns to enable shifts in resources to be measured.
- Outcomes** currently being achieved from i. above. The plan should indicate outcome and output measures that the Partners will use to evidence change. See Annex D for suggestions.
- Planned actions and outcomes.** See Annex E for suggestions.
- Time** required to deliver improvements, and double running resources required in the change period.

4. Support

4.1 The Scottish Government will provide support to Partnerships as plans for the Change Fund are developed and implemented. Support for IRF mapping has already been noted, and the JIT will be available for additional support. In addition, the Scottish Government will put in place networking arrangements to enable Partnerships to share practice etc. and will give consideration to specific areas of skill development that might help Partnerships to deliver in a challenging environment, e.g., joint commissioning.

4.2 A workshop will be held on 2 February for Partnerships at which practical advice and assistance regarding the planning process will be available. Further details will follow shortly.

5. Contact

5.1 For further information on the Change Fund, or any aspect of this guidance, please contact Rob Mackie (robert.mackie@scotland.gsi.gov.uk; 0131 244 4020).

Allocation of the Change Fund

This Annex describes the mechanism that will be used to allocate shares of the Change Fund across Partnerships. This approach has been agreed by COSLA and the Scottish Government and relates only to the distribution in 2011/12; the methodology to be used in any subsequent years will be considered in 2011. Indicative allocations for 2011/12 are shown in Table 1, below.

Allocation of the Change Fund will be a two stage process, with the primary allocation to NHS Boards, and subsequently to the Partnerships for which the NHS Board is hosting the Change Fund.

The allocations to Boards will be calculated using a composite of the following two distributions on a 1:1 ratio:

- The NHS National Resource Allocation Committee (NRAC) distributions for Community Care Programme, based on Board populations for the 65+ age group.
- The Local Authority Grant Aided Expenditure (GAE) distributions for older people's services, including Free Personal and Nursing Care.

Board allocations calculated in this way will be allocated to Partnerships using the respective GAE shares, centred on each Board.

Where Partnership boundaries are not co-terminous, an adjustment will be made to the relevant share. In the case of adjustments to NRAC, this will be on a weighted population basis (65+). In the case of adjustments to GAE, this will be on an un-weighted population basis (65+).

Table 1 [Note: NHS Greater Glasgow & Clyde datazone populations in North Lanarkshire & South Lanarkshire have been added to NHS Lanarkshire, while all NHS Lanarkshire datazone populations in East Renfrewshire have been added to NHS Greater Glasgow and Clyde.]

NHS Board	Partnership	£m
Ayrshire & Arran	<i>East Ayrshire</i>	1.648
	<i>North Ayrshire</i>	1.960
	<i>South Ayrshire</i>	1.890
		5.498
Borders	<i>Scottish Borders</i>	1.729
Dumfries & Galloway	<i>Dumfries & Galloway</i>	2.561
Fife	<i>Fife</i>	4.899
Forth Valley	<i>Clackmannanshire</i>	0.593
	<i>Falkirk</i>	1.885
	<i>Stirling</i>	1.156
		3.634
Grampian	<i>Aberdeen City</i>	2.738
	<i>Aberdeenshire</i>	2.837
	<i>Moray</i>	1.187
		6.763
Greater Glasgow & Clyde	<i>West Dunbartonshire</i>	1.209
	<i>East Dunbartonshire</i>	1.218
	<i>East Renfrewshire</i>	1.116
	<i>Glasgow City</i>	7.918
	<i>Inverclyde</i>	1.228
	<i>Renfrewshire</i>	2.109
		14.799
Highland	<i>Argyll & Bute</i>	1.710
	<i>Highland</i>	3.425
		5.135
Lanarkshire	<i>North Lanarkshire</i>	3.838
	<i>South Lanarkshire</i>	4.021
		7.859
Lothian	<i>East Lothian</i>	1.256
	<i>Edinburgh, City of</i>	6.013
	<i>Midlothian</i>	0.976
	<i>West Lothian</i>	1.501
		9.747
Orkney	<i>Orkney Islands</i>	0.321
Shetland	<i>Shetland Islands</i>	0.328
Tayside	<i>Angus</i>	1.691
	<i>Dundee City</i>	2.232
	<i>Perth & Kinross</i>	2.273
		6.196
Western Isles	<i>Eilean Siar</i>	0.531
Scotland		70.000

Annex B

[NB: A Word version of this Annex is being circulated along with this Guidance to enable electronic completion and return.]

Change Plan template

1. Name of partnership

See Note 1.

2. Partner organisations

See Note 2.

Finance – use of Change Fund and additional resources (see Note 3)

From	Amount £
Initial central allocation	
Added by NHS Board	
Added by local authority	
Other	
TOTAL	

Summary of current partnership budget for older people

See Note 4 and Annex 'C'

Summary of key outcomes/outputs achieved through current resources

See Note 5.

-
-
-
-

Key changes to achieve over the next 5 years

See Note 6.

-
-
-
-

Use of Change Fund and outcomes anticipated

See Note 7.

Key performance measures to assess progress

See Note 8.

Summary of how Change Fund will enable shifts in core budgets and impact on the totality of spend by the partnership over the next 5 years

See Note 9.

Indicate the financial mechanism and governance framework

See Note 10.

Support requirements to assist delivery

See Note 11.

This plan has been prepared and agreed by the NHS, Council, Third Sector and Independent Sector interests.

Signed

NOTES

Note 1. This should be based on the council area – however it is open, by agreement with all parties, for the purposes of the Change Fund, to vary the partnership boundaries (eg if neighbouring councils wish to combine along with their NHS and voluntary/independent sector partners).

Note 2. Change Plans must be agreed by NHS Boards, Councils and Third Sector and Independent Sector Partners. Partnerships should specify the names of organisations directly engaged in preparing the Change Plans. Partnerships may wish to engage with the Third Sector through the recently identified “interface” organisations that represent the Third Sector on Community Planning Partnerships. Partnerships may want to consult Scottish Care on seeking appropriate engagement from the Independent Sector – Scottish Care has agreed to reflect all Independent Sector interests, not just those of their members in this regard. It is also important that the NHS engagement covers acute as well as primary care and GPs, and local authority engagement includes housing as well as social care.

Plans should indicate how older people themselves will be engaged to support both the preparation of the Change Plan and the development of longer term strategic plans or commissioning strategies, and how they will help directly shape the form of new services and supports to ensure the principles of co-production are achieved in practice.

Note 3: This section should record the total size of the Change Fund, including the allocation made to the Partnership as the share of the National Change Fund together with any supplementary funding from other sources. This might include Resource Transfer, delayed discharge, housing support, Lottery funding or other funding not specifically committed (eg community care commissioning budgets). In some cases, Local Partnerships might want to state the totality of the resource available for older people and pool the entire budgets.

Note 4: See Annex C. Partnerships should seek to include all resources that contribute to care for older people including housing, third sector and independent sector and where possible contributions from leisure, transport and other “non care” providers and capital provision. It is recognised that in the time available Partnerships will only be able to capture readily available data – but should identify “missing” data and set down proposals for including this in next years Change Plan – which we anticipate should be a Joint Commissioning Strategy for the Partnership covering a period 2012 – 2020.

Note 5: This section should identify current activity levels with a particular focus on where there is need or scope to change the way resources are utilised to achieve different/better outcomes and reduce unplanned variation within a partnership.

To assist with this process, Partnerships might wish to review the recently produced SWIA MAISOP data and data available through the Community Care Benchmarking network in addition to analysis of the current budget information set out above.

Note 6: Partners should identify a small number of key goals/changes that need to be achieved over the next few years. These can be outcomes or outputs and should provide a focus for the shifts in the balance of care and relate to priorities within strategic plans or commissioning strategies.

Note 7: This should be the key part of your Change Plan, identifying how/where the partners will invest the fund to support community based developments that will impact on the pressures facing the acute sector and the care home sector and support the shift in core budgets over time.

The range of initiatives and developments can be drawn from well evidenced anticipatory and preventative care approaches promoted through such initiatives as the JIT; the LTCC, the Dementia Strategy; the Carers Strategy, SDS Strategy and community based programmes such as co-production and volunteering, telecare, re-ablement, rehabilitation, intermediate care, rapid response, care and repair, equipment and adaptations etc. Given the vital role performed by unpaid carers, we expect Local Partnerships to invest an appropriate portion of their Change Fund allocation in provision that specifically supports carers. Advice on sources of evidence can be accessed from robert.mackie@scotland.gsi.gov.uk.

It is important that the Change Fund demonstrates how the various initiatives and developments to be progressed are mutually reinforcing and that a 'whole system' approach is being adopted. The Plans should be outcomes focussed and centred explicitly on the policy goal of "optimising independence and wellbeing at home or in a homely setting".

Annex E sets out a logic model framework that Partnerships may find helpful in seeking to cover all potential areas for coverage in the Change Plans.

Note 8: Partners need to consider how they will monitor their performance and demonstrate that the Change Fund is making a direct impact. Such measures should include nationally agreed targets and standards such as delayed discharge; emergency admission bed days, 10 hours home care (Partners may wish to be more ambitious with these targets (eg Delayed Discharge). National measures can be supplemented by local measures such as support for unpaid carers, impact of telecare, re-ablement, volunteering, "talking points" or other initiatives. [See Annex D for suggested measures.]

Note 9 Indicate how you anticipate the Change Fund will enable shifts in core budgets, away from institutional settings to home and community settings.

It is acknowledged that over the next 5 years, demand will continue to grow in most areas due to demographics while resources will remain tight. Partners will need to factor in the impact of both growth and savings [making reasonable assumptions about both based on best available information] in order to indicate the 'net' shifts in budgets/activities that can be achieved.

While this initial Change Plan/Fund is focussed on 2011/12 partners are encouraged to build a longer term strategic approach to achieving the Reshaping Care for Older People ambitions. This could involve investing some capacity during 2011/12 to

build a Joint Commissioning Strategy for 2012-2020. As noted in the main guidance, there is a prospect, subject to Parliamentary approval, the Change Fund will be available throughout the next spending review period.

Note 10: This should describe the decision making arrangements the Partners will introduce to provide governance and management oversight for the Partnership budget.

This may be the existing partnership framework for all health and social care or a modified and strengthen adaptation or new arrangements designed for the purpose. The Governance arrangements should sit within the wider Community Planning Partnership framework to ensure connections with the SOAs. The governance and management framework should be 'fit for purpose' in so far as they:

- i. provide a Partnership focus
- ii. are equitable for all Partners
- iii. reduce rather than increase bureaucracy
- iv. provide for efficient, effective and transparent decision making.

Note 11: Partnerships should summarise the resources/capacity that will be available to them to support the design, development and delivery of the proposals set out in this plan, indicating how all Partners will remain engaged throughout the processes.

Partnerships should also indicate if and where additional support would be of practical assistance, where possible specifying the type of assistance that would be of most value. The National Partners will seek to ensure there is sufficient and appropriate support available to help Partners succeed in both developing and delivering ambitious Change Plans. The Joint Improvement Team will focus its capacity toward supporting Partnerships to prepare and deliver local Change Plans. Any Partnership seeking advice or assistance with the preparation of this Change Plan can contact the JIT directly at brian.spence@scotland.gsi.gov.uk.

Annex C**Example Partnership Resources – Older People’s Spend**

The table below is a typical breakdown of total spend on older people’s services and support across one Health Board area in Scotland, which is being used to inform resource allocation decisions across the Partnership. The data shown here was identified using the mechanisms that underpin the Integrated Resource Framework; more information on the IRF can be found here ([link to web](#)). We recognise that Partnerships have had varying degrees of involvement with the IRF work to date – further advice and is available for Partnerships as they populate this part of the Plan, if required.

In the context of the Change Plan the table below provides good base information on the totality of resources and the way resources are used. It provides a good basis for assessing the outputs and outcomes being achieved and the relative merits and priorities accorded to different areas of spend (investment).

Each Partnership should establish a baseline position using 2009/10 outturn figures, which should be the base position for the Change Plan.

We also recognise that over time the resources “captured” through this mapping part of the planning process can extend to more fully cover housing and draw in resources from other sectors such as the Third Sector (Lottery funding etc,) transport, leisure etc. Partners should consider the capital contributions from each sector and where appropriate connect with their Regional HUB consortia. Further advice regarding the potential scope and contribution from the HUB will be forthcoming.

		CHP 1			CHP 2			CHP 3			CHP 4			AREA NHS	
	LA	NHS	Total	LA	NHS	Total	LA	NHS	Total	LA	NHS	Total			Total
	(£000's)	(£000's)	(£000's)	(£000's)	(£000's)	(£000's)	(£000's)	(£000's)	(£000's)	(£000's)	(£000's)	(£000's)		(£000's)	(£000's)
HOSPITAL BASED															
Emergency admissions		116,044	116,044		23,831	23,831		21,593	21,593		35,758	35,758			197,226
Elective admissions and day cases		29,210	29,210		7,137	7,137		5,566	5,566		9,734	9,734			51,647
Outpatients		21,044	21,044		4,200	4,200		4,094	4,094		6,726	6,726			36,064
A&E		2,669	2,669		514	514		466	466		817	817			4,466
Day patients		3,619	3,619		924	924		861	861		690	690			6,095
Direct access		2,308	2,308		580	580		436	436		942	942			4,266
			0			0			0			0			0
COMMUNITY BASED			0			0			0			0			0
GP Services		14,082	14,082		3,159	3,159		2,832	2,832		4,273	4,273			24,347
GP Prescribing		28,342	28,342		7,966	7,966		6,634	6,634		11,327	11,327			54,269
District Nursing		3,293	3,293		747	747		586	586		731	731			5,359
Community AHPs		1,761	1,761		391	391		358	358		525	525			3,034
Community Mental Health Services		2,560	2,560		654	654		431	431		984	984			4,630
LA Older Care Home	58,400		58,400	11,536		11,536	7,676		7,676	13,697		13,697			91,309
LA Older Home Care	29,078		29,078	7,976		7,976	5,831		5,831	7,916		7,916			50,801
LA Older Other	15,392		15,392	4,275		4,275	2,933		2,933	5,756		5,756			28,356
Other Community Services		8,943	8,943		2,227	2,227		2,059	2,059		3,101	3,101			16,331
Other Expenditure			0			0			0			0			0
Housing Support Care & Repair Transport Third Sector Other															
TOTALS	102,870	233,876	336,746	23,787	52,331	76,118	16,440	45,917	62,357	27,369	75,608	102,977		0	578,199

Annex D

INFORMATION FOR EVIDENCING CHANGE

Partnerships should agree a local suite of measures and evidence as a baseline for the current position and to demonstrate progress in Reshaping Care.

Key performance measures should be described in the Change Plan and should include existing standard measures to enable benchmarking with other parts of Scotland. In the spirit of transparency and local accountability the agreed measures should encourage ongoing improvement and be reported locally to inform and engage the public on local progress in Reshaping Care.

Suggested measures are:

- Reducing the need for emergency hospital care, agreed reductions in emergency inpatient bed day rates for people aged 75+ through improved partnership working between the acute, primary and community care sectors

This measure is a component of the HEAT 2011/12 Targets for NHSScotland which were agreed following extensive consultation (including with Local Authorities). The HEAT targets support delivery of the Scottish Government's National Outcomes and Healthcare Quality Ambitions. National guidance acknowledges that delivery of this target will require the support of community planning partners.

- [Increase the percentage of people aged 65 and over with high levels of care needs who are cared for at home](#)

This is an existing National Indicator and progress is reported on the Scotland Performs website.

- Patients whose discharge from hospital is delayed

This is an existing HEAT Standard and, in addition to being an important measure of the quality of integrated support and care is widely recognised as a critical measure of the success of partnership working.

- [Self-directed Support \(Direct Payments\) uptake](#)

This output measure will show the extent to which this important policy initiative gains currency in the context of the Change Fund and the local plans.

- Experience measures and support for carers from the [Community Care Outcomes Framework](#)

The impact of support and services on the personal outcomes individuals seek is arguably the most important outcome for local systems to understand. Whilst not yet comprehensive, most areas in Scotland are now using most of the Community Care Outcomes Framework, including the personal experience measures therein.

Partnerships may wish to include other nationally available measures e.g.

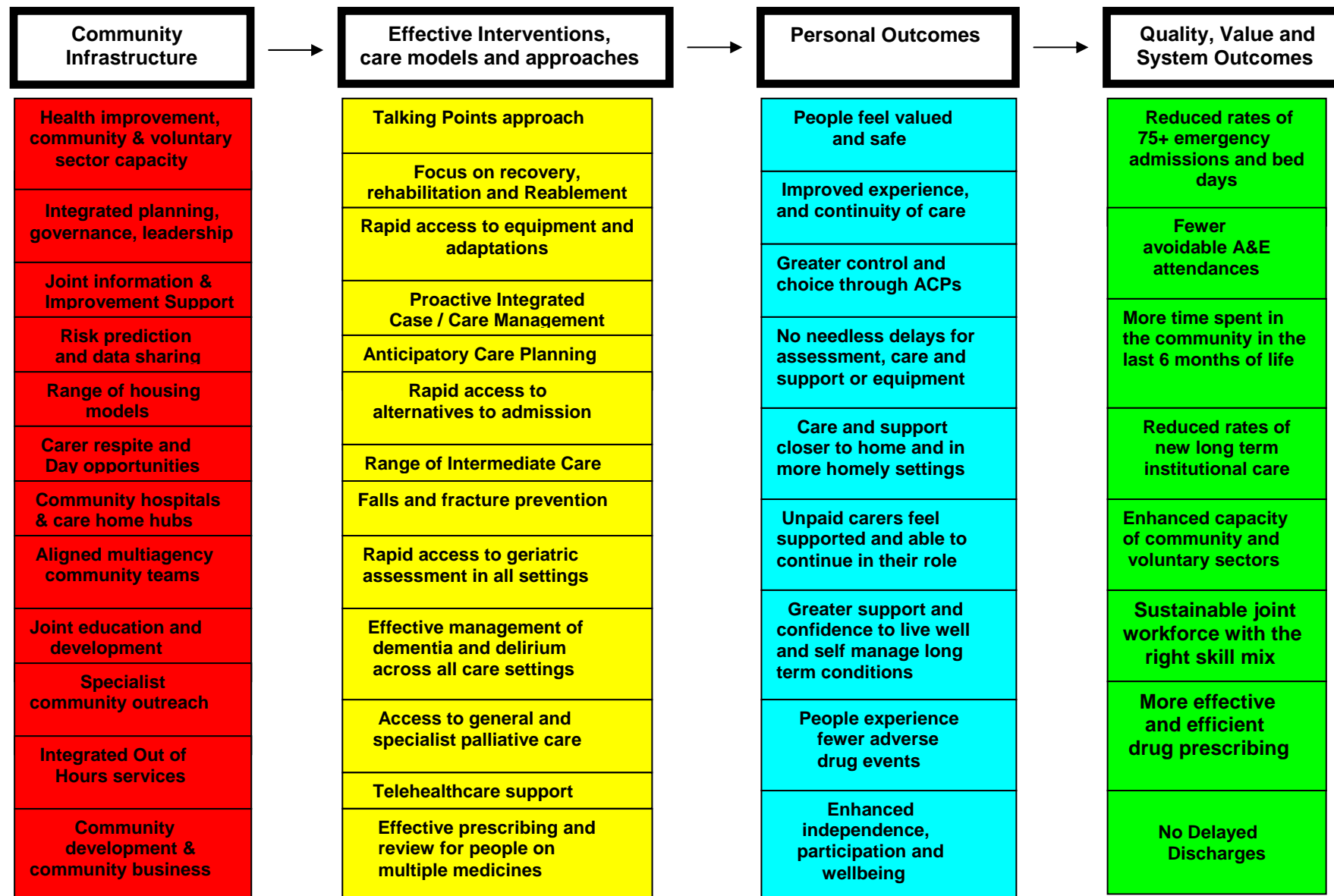
- home care provision (hours, weekend and evening/overnight provision);
- care home use, expenditure;
- hospital bed numbers;
- 65+ emergency admissions / bed days or multiple admissions/bed days; and
- duration of delays to discharge [Note: local information may provide a more complete measure of bed-days lost to delayed discharges than the national censuses can offer].

A compilation of links to a selection of existing sources of national data will be available on the [JIT website](#) for partnerships to access.

Local information and other local analyses are also likely to be useful to partnerships, especially where they provide a well rounded insight into improvement and progress on the agreed local change outcomes.

The suite of measures adopted locally should, taken together, provide a picture of the impact of the Change Plan on the balance of support and care of older people in the local area.

RESHAPING CARE LOGIC MODEL



RESHAPING CARE FOR OLDER PEOPLE

ACCESSING YOUR CHANGE FUND

**Wednesday 2nd February 2011
10.00 am – 4.00 pm
John MacIntyre Centre, Pollock Halls,
18 Holyrood Park Road, Edinburgh EH16 5AY**

A practical workshop to support the preparation of **Partnership Change Plans** that will access the £70m Change Fund.

The workshop is aimed at those charged with preparing Change Plans and will walk through the guidance and plan template. Partnerships should bring their early draft plans to the workshop as time will be spent on preparation.

The workshop will:

- share good practice, ideas and experiences;
- hear from 4 'Test Partnerships';
- offer support/advice/information i.e. budgets, measures and data;
- build a view on what a good change plan should look like; and
- work through any problems and barriers identified.

Further details will follow.

To reserve your places (up to 4 per partnership) **please complete the following form and return by Friday 21 January** to Amy Phillips, amy.phillips@scotland.gsi.gov.uk. 0131-244-4041.

[nb: this form is also circulated in Word version to enable electronic completion]

**Reshaping Care for Older People
Change Fund Workshop
2 February, Edinburgh**

Booking Form

Title	First Name	Last Name	Job Title

Partnership	
Delegate email	
Delegate email	
Delegate email	
Delegate email	
Contact name:	
Contact telephone	

Do any of the above have any special access needs or dietary requirements? Supporting material in Braille, Large Print, or on Audio Tape can be supplied. Hearing/Induction Loops and other support can also be arranged. Please inform us of any requirements.

Additional Requirements

Dietary Requirements	Support Requirements



DRAFT REPORT

To: Services Committee

3rd February 2011

From: Chief Social Work Officer

Report No: SC-03-11-F
ADULT SUPPORT & PROTECTION BIENNIAL REPORT

1. Introduction

- 1.1** This report introduces the first Biennial Report to the Council on Adult Support & Protection.
- 1.2** It presents information on the activity of the Adult Protection Committee (APC) as well as a summary of key achievements and future plans.
- 1.3** Members are asked to note the content of the Biennial Report, which is attached as Appendix 1.

2 Links to Corporate Priorities

- 2.1** Shetland Islands Council is committed to:
- Ensuring all individuals feel safe in their communities
 - Reducing harm
 - Decreasing social inequality
 - Partnership working with parents, carers, the public, staff and other stakeholders.

3. Risk

- 3.1** As this report is for noting there are no specific risks. However, failure to produce a Biennial Report would signify that the Council has not met its statutory requirement under Section 46 of the Adult Support & Protection (Scotland) Act 2007.

4. Background

- 4.1** The Adult Support & Protection (Scotland) Act was passed by the Scottish Parliament in Spring 2007. Part 1 of the Act was implemented on 29 October 2008.

- 4.2** In August and September 2008, the Shetland Islands Council considered a report on Adult Protection and agreed to establish an APC for Shetland. (Min Ref SC 64/08). The first meeting of the APC took place on 1 December 2008.
- 4.3** At the meeting of the APC in January 2010, a decision was taken that the time was appropriate to consider the appointment of an independent person to the committee which would permit this appointment as Chairperson. (Min Ref APC 07/10)
- 4.4** In June 2010, Services Committee considered a report which agreed changes to the constitution of the APC to allow the appointment of an independent Chair.

Members agreed to appoint Malcolm Bell as the Chair. (Min Ref SC 66/10)

- 4.5** Section 46 of the Adult Support & Protection (Scotland) Act 2007 requires the Chair of the APC to produce a Biennial Report which must be submitted to the Scottish Government. The Report was approved by the APC on 20th October 2010 and submitted by the deadline of 30 October 2010 to the Scottish Government.
- 4.6** Key messages and challenges that face Adult Support and Protection in the coming year:
- Adult Support & Protection is at an early stage in terms of establishing itself in the Public Protection arena.
 - Good inter-agency working continues to be evident in day to day practice relating to AS&P.
 - The number of AS&P referrals continue to increase.
 - A major redrafting of AS&P Procedures are required, in the light of operational experience gained by Social Workers since the implementation of the Act.
 - Funding will remain an issue, as the Scottish Government has indicated that the ring fenced monies are to end in March 2011.

5 Proposals

- 5.1** It is proposed that the Chief Social Work Officer, on behalf of the Chair of APC, reports annually to Services Committee. This annual report will form part of the Biennial Report.

6 Policy and Delegated Authority

- 6.1** In accordance with Section 13 of the Council's Scheme of Delegations, the Services Committee has delegated authority to make decisions on the matters within approved policy, and for which there is a budget. However, there is no policy or matters of delegation in relation to this report.

7 Financial Implications

- 7.1** There are no financial implications arising from this report.

8 Conclusions

- 8.1** The Biennial Report at Appendix 1 sets out information about the activity of the APC.
- 8.2** The APC plays a key role in strategic direction for Adult Support & Protection in Shetland. This shapes service delivery which ultimately assists workers at operational time to reduce risks for Adults in need of Support and Protection.
- 8.3** The Report was well received by the members of the APC, who recommended its approval and subsequent submission to the Scottish Government.

9. Recommendations

- 9.1** I recommend that Members note the information provided in the Biennial Report; and agree that the Report be distributed to the relevant public bodies as stipulated in the legislation.

Date: 13 January 2011
Ref: AW'03'11

Report No: SC-03-11-F

Biennial Report

By Malcolm Bell, Independent Convener of the
Shetland Adult Protection Committee

Contents

Introduction

- 1. The Shetland Adult Protection Committee**
- 2. Service User & Carer Involvement**
- 3. Adult Protection Activity & Survey Information**
- 4. Significant Case Reviews**
- 5. Community Engagement**
- 6. Management of Services and Staff**
- 7. Communication and Co-operation Between Agencies**
- 8. Training and Staff Development**
- 9. Conclusions, Future Plans & Dissemination of the Findings of the Biennial Report**

Appendix

- 1. Frequency and Attendance - APC and APC Subgroups**
- 2. Adult Support & Protection Spending Survey 2008 – 2009**
- 3. Adult Support & Protection Spending Survey 2009 – 2010**

Introduction to the 2010 Biennial Report

The Adult Support and Protection (Scotland) Act 2007 commenced in October 2008. Despite the fact that Shetland is a small remote island a good deal of work has been undertaken to implement the Act, particularly by social workers, police officers and health professionals. The Act provides a statutory basis for co-operation between all public bodies, and this is proving to be a very welcome and effective approach to undertaking inquiries and investigations. We are forging good practice in information sharing and inter-agency collaboration between agencies involved in adult protection matters, as well as disseminating the work of the Shetland Adult Protection Committee.

This is the first biennial report by Mr. Malcolm Bell, recently appointed Independent Convener of the Shetland Adult Protection Committee. This report covers the period from October 2008 – October 2010, and aims to meet the requirement of Section 46 of the Adult Support and Protection Act (Scotland) 2007, which states that:

"The Act requires the convener of the APC to produce a biennial report on a date directed by the council, for approval by the Committee. The Scottish Ministers expect APC's to be established by October 2008. The expectation is that APCs will produce their first biennial reports two years from this commencement date.

The contents of the biennial report should analyse, review and comment on APC functions. The report is therefore likely to address:

- *management information on activity, trends, inputs and outcomes in relation to the protection of adults at risk;*
- *details of support provided;*
- *the use of protection orders;*
- *public information;*
- *the management of services and staff;*
- *communication and cooperation between agencies;*
- *workforce issues; and*
- *progress with training.*

55. The report may summarise the work of the APC, analyse achievements, identify current issues with services, practice and performance, and set out the required improvements and proposals for the APC programme for the next two-year period.

56. In addition, if the council and its local partners have established terms of reference for APCs which go beyond the requirements of the legislation, they may expect the report to deal with the other matters set out in this terms of reference.

57. APCs will also want to consider how they make the findings set out in the convener's report more widely available within the agencies represented on the committee, to other agencies with a role and responsibilities for the support and protection of adults at risk, to service users and carers and to the general public. APCs will therefore want to consider the issue of publication and the formats in which the report findings are made available."

Following the terms above the Biennial Report aims to provide a summary of the work done during the past two years by the Adult Protection Committee, as well as the Training, Quality Assurance and NHS Implementation sub groups, supported by the Adult Protection office.

1. The Shetland Adult Protection Committee

- Membership
- Frequency & Attendance - APC & APC Sub Groups
- Accountability/Governance – Chief Officers Group
- Next steps

Membership of the Shetland Adult Protection Committee:

- Independent Convener
- NHS Shetland
- The Northern Constabulary
- Chief Social Work Officer for Shetland
- Community Care, Social Work, Shetland Islands Council
- Children and Families, Social Work, Shetland Islands Council
- Criminal Justice, Social Work, Shetland Islands Council
- Legal Services, Shetland Islands Council
- Shetland College of Further Education, Shetland Islands Council
- Voluntary Sector, Voluntary Action Shetland.
- Housing, Shetland Islands Council
- Care Commission, North East Scotland
- Training manager, Shetland Islands Council
- Chairpersons of Adult Protection Committee Sub-Committees (Training Sub Group, Quality Assurance Sub Group and NHS Implementation Group)

Also, in attendance to the Adult Protection Committee:

- Adult Protection Co-ordinator
- Minute taker

Frequency & Attendance – APC & APC Sub Groups

See tables attached in Appendix 1.

Governance and the Chief Officers' Group

Since the formation of the Chief Officers Group (COG) for Adult Protection, the Group has met on 18th March and 21st June 2010, with the next meeting scheduled for 12th November. The COG meetings oversee the work of the Adult Protection Committee and now include the CP co-ordinator and the Chair of the Child Protection Committee. The COG is a joint committee of statutory chief officers, or their representatives, chaired by the Chief Executive of the Shetland Islands Council. Accountability for the decisions, policies, strategy and procedures of the Adult Protection Committee and their implementation lies with the Chief Officers Group. The Independent Convener and the Adult Protection co-ordinator are accountable to the COG through the Chief Executive of the Shetland Islands Council, with the convener and co-ordinator attending meetings of the COG in an advisory capacity.

Next steps:

The membership of the APC is being actively examined, particularly as a number of meetings have been inquorate. The constitutional requirement for representation from the Northern Constabulary and from NHS Shetland means that the Shetland APC needs to increase representation from both the Police and the NHS. In addition to this the convener has recently written to all members of the APC to remind them of the importance of the work of the APC, in attending meetings and where this is not possible, members have been reminded of the need to send a substitute. Also, given the need to plan for transition between child and adult services the APC intends to include representation from Education Services and Procurator Fiscal Services, given the overlap of legislation around supporting and protecting adults at risk.

There is a similar intention to tighten up APC sub group meetings with a view to increasing attendance and involvement in the work at hand. Letters will be sent to the members of APC sub-groups whose attendance is extremely rare, or non-existent. In some cases, others more able to attend may replace existing members.

It is important to note that many members attend APC & sub groups on a regular basis with the representative from the Care Commission travelling from Aberdeen to attend meetings in Shetland. Such commitment is greatly appreciated.

2. Service User & Carer Involvement

- APC engagement with service users and their carers;
- Next steps

APC engagement with service users and carers:

Work has begun on a carers and service users DVD in Shetland. The DVD will be made locally and funding for this work has been secured via Community Safety. The planning around this project has begun. The Adult Protection office is working closely with an experienced local filmmaker. The concept involves giving voice to the life experiences of service users and carers. The DVD is a mechanism for involving service users and carers in the work of the APC. The DVD will also be used to raise awareness of the experiences of service users, carers and adults at risk to the wider general population as well as service providers.

The DVD 'Tell Someone' has been distributed to care settings and other service providers, to encourage staff to listen to service users and to talk about issues around harm. The DVD is particularly helpful in terms of preparing staff for any disclosure of harm.

The Adult Protection Co-ordinator continues to deliver presentations to various groups, including service users and carers, to raise awareness of Adult Protection within Shetland including: Shetland Befrienders; The Shetland College Learners' Forum; Shetland Youth Information Services; Community Health Partnership; Patient Focus Public Information, etc.

Next steps:

The Shetland Adult Protection Committee recognises that there is a great deal of work to be done in terms of engagement of service users and carers. To this end a national trainer has been commissioned to work alongside the Adult Protection co-ordinator to devise local workshops on engaging service users and carers in the work of Adult Protection, and on the rights of all individuals to live safe from harm.

3. Adult Protection Activity & Survey Information

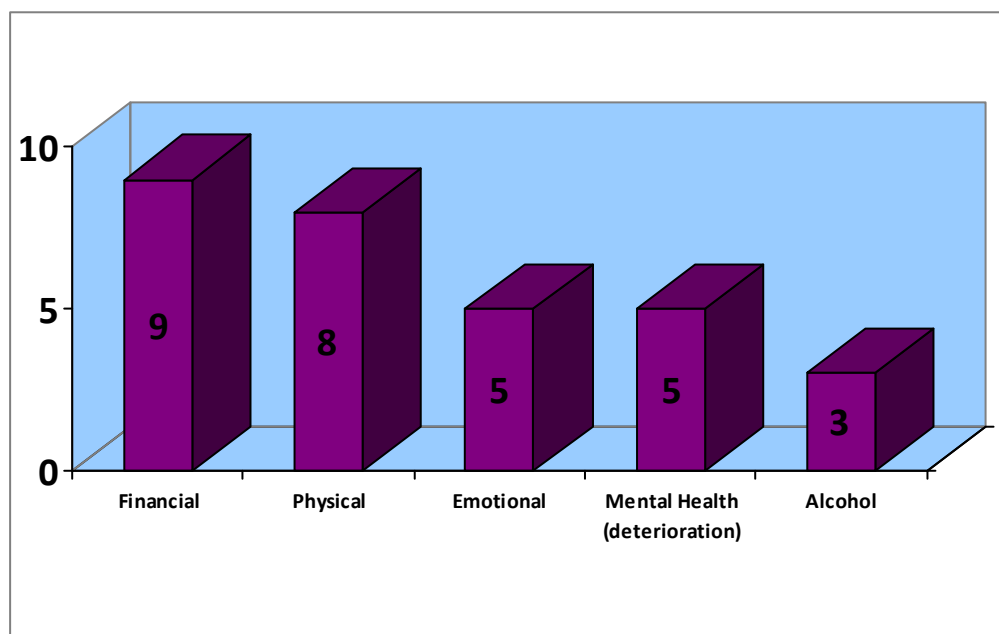
- Management information on activity and trends in relation to the protection of adults at risk, including details of support and the use of protection orders;
- Next steps

Management information on activity and trends in relation to the protection of adults at risk, including details of support and the use of protection orders:

Data is manually collated at present and this has led to some gaps and omissions. Records from between 29.10.08 – 05.09.10 show that over this period

- 33 individuals were referred to Social Work as people thought to be adults at risk of harm.
- Gender -12 males & 21 females
- Ethnicity – all from a white background
- Date of incoming contact: 10 referrals. April – December 2009; 23 referrals, January - September 2010
- 24 'types of harm' reported, including: 5 reports of financial harm; 3 of which reported emotional & financial harm; 1 report of emotional harm; 1 report of physical & financial harm; 7 reports of physical harm; 1 report of emotional & physical harm; 3 reports of risk of harm due to deterioration in mental health; and 3 reports of harm due to mental health & alcohol misuse. 11 referrals have no reports of 'type of harm'. See below for graph on 'Types of Harm'
- Source of referral: all 33 recorded of whom, 4 were from Social Work; 1 Mental Health Officer; 1 Community Mental Health Team; 7 from care settings; 12 from Police; 3 referrals from the family (1 mother; 2 granddaughters); 2 from NHS (1 GP & 1 A&E); 3 from housing (1 general housing; 2 from supported accommodation).
- Client category: mental illness – 11; learning disabilities –7; elderly – 4; physical disabilities – 3; dementia – 1; criminal justice – 2; carers – 1; referrals in relation to concerns about a child – 2; unrecorded – 2.
- Accommodation at time of referral: home – 22; supported accommodation – 5; care home –1. Referrals with no record of accommodation status – 5.
- Risk Identified, 16 out of the 33 referrals have reports of risk identified including: financial – 3; emotional & financial –2; emotional – 1; emotional & physical – 3; physical – 2; physical & financial –1; increasingly vulnerable –2; deteriorating mental health – 1; 'risk denied / no evidence' – 1.
- Suspected perpetrator: yes – 17 referrals; no – 9 referrals; unrecorded –7 referrals.
- Outcome of referrals, 21 reports including: protection plans – 5; Advice & guidance – 2; support plan / additional support – 6; increased monitoring – 4; liaison with CMHT – 1; application for welfare guardianship – 1; abuse denied by service user – 1; banning order – 1;
- Adult Protection Case Conferences: 5; Planning Meetings (not AS&P) – 6; involvement of advocacy – 5;
- Actions taken under the Act: enquiries made – 12; joint investigations – 12 (mainly Social Work & Police); involvement of council officers – 7; police investigation – 1.
- Outcome of Case Conferences: Core Group Involvement & Protection Plan – 2; welfare guardianship application –1; increased care package – 1; banning order granted –1; Review of Case Conference – 1.
- Impact of intervention: harm / risk ceased – 6; risk reduced – 4; additional support – 4; additional advice – 3; increased monitoring – 4 (3 by SW & 1 by Social Work/Police & GP); referral to Community Mental Health Team – 1; self-harm reported –1; alternative placement & additional support for carers –1; welfare guardianship –1; involvement of housing outreach –1; also 'n/a' - 7.

Types of harm reported 24/04/09 - 05/09/10



Next Steps:

The APC will work towards establishing data recording on SWIFT for all Adult Protection activity. This will facilitate the recording of all relevant data and further the analysis of Adult Protection activity in Shetland and the future planning of the work of the APC. It is also important to note that services to support and protect adults at risk are involved in a great deal of work around establishing adult at risk status. Indeed, this 'screening' work is very time consuming, and often involves other agencies. This activity is difficult to quantify as much of this work does not result in adult at risk case work. While the data fails to adequately reflect the work of social workers, for example, it does show a good level of inter-agency work in Shetland.

We also need to investigate the need for increased capacity to support and protect adults at risk in our community and to ensure that public information, training, presentations, etc., help raise awareness of the need for adult protection, particularly among service users and carers. For instance we could expect higher figures of people experiencing harm, including sexual harm, when we extrapolate the findings of The UK Study of Abuse and Neglect (2007), for the Shetland context. Also services may need to cater for extra referrals as the local public information campaign gets underway with the publication of this report. We also need to be vigilant that most 'client referrals' relate to people with mental health problems.

4. Significant Case Reviews

- Protocols in place
- Details of any SCRs undertaken

Shetland Adult Support & Protection Significant Case Review is now in place.

No significant Case Reviews have taken place during the period under review.

5. Community Engagement

- Details of public information campaign
- Next steps

Details of public information campaign:

The Adult Protection office is currently publishing leaflets targeted at adults at risk and their families and carers, for people involved in the adult protection process, particularly those attending Adult Protection Case Conferences. There is also an 'easy read' version, including symbolic information for adults with learning difficulties, people with English as a second language etc. It is hoped that people working closely with families and carers, will distribute the information. The leaflets aim to reduce any concerns and worries people may have and to encourage participation of adults at risk in the processes to support and protect them.

There is also an Adult Support & Protection leaflet for the general public, 'Act Against Harm, Talk About Harm'. This part of a public awareness campaign also includes an 'easy read' version of this leaflet, aimed at the public in general as well as service users and carers. Posters will also raise public awareness as well as press release information on Adult Support & Protection. It is hoped that this information will be widely circulated.

Documentation relating to AS&P will also be available via the Adult Support & Protection website for Shetland, initially launched on the Shetland Islands Council intranet.

Copies of all public information can be emailed or posted, on request.

Next steps:

The Shetland Adult Protection Committee intends to export the AS&P website, to be made available on NHS Shetland and the Northern Constabulary websites. The website will also be promoted via Voluntary Action Shetland, including Advocacy Shetland.

The Adult Protection co-ordinator will continue to deliver presentations on Adult Support & Protection to increase awareness amongst key groups, including service users and carers.

The public information campaign needs to be more directed towards service users and carers. To this end the development of further materials, presentations etc., will need to consider how to reach and better meet the needs of service users and carers.

6. Management of Services and Staff

- Details of guidance & procedures in operation
- Details of how Scottish Government monies have been spent.
- Establishment of the Adult Protection Office
- Public Protection context
- Next steps

Details of guidance & procedures in operation

Shetland Multi Agency Adult Support & Protection Procedures

Distribution list

Shetland Adult Support & Protection Significant Case Review

See also the APC's public information campaign

Constitution of the Shetland APC

Shetland Adult Protection Committee Chief Officer's Group, Terms of Reference

APC Annual Report to COG

Information Sharing Policy

Adult at Risk Consent Form

AP Case Conferences – Checklist for Chairs

Protocol & Guidance for Conducting a Significant Case Review

Special Measures for Vulnerable Witnesses

Adult at Risk Referral Forms to Social Work Services (Local Authority, NHS & Police forms)

Framework for Risk Assessment

Protection Plan Framework

Record of Action Taken

Report Forms for AP Case Conferences (Social Work; Other Agencies)

Warrant of Entry Form

List of Council Officers

List of Nominated Officers

Details of how the Scottish Government monies have been spent

Adult Support & Protection Spending Survey 2008 – 2009 (see Appendix 2)

Adult Support & Protection Spending Survey 2009 – 2010 (see Appendix 3)

Establishment of the Adult Protection office

The Adult Protection co-ordinator took up the full-time post in April 2009. This post is temporary and runs until March 2011. The part-time post of Adult Protection Administrative Support was established in November 2009, this post is also temporary and has involved a change in staff, and gap in replacement. A current post holder has been recently appointed on a secondment basis until March 2011. Over the period from April 2009 to January 2010 there were three changes of office location. However since January 2010 the Adult Protection office is now more permanently established, co-located with other services involved in public support and protection. This arrangement is logical as we aim to provide seamless 'joined-up' service provision.

Public Protection context:

The Adult Protection Office is now co-located with Child Protection; Community Safety; Witness Support; Shetland Childcare Partnership; Getting It Right For Every Child (GIRFEC); Inclusion Officer; Short Breaks / Respite Care Services; Substance Misuse & Suicide Awareness; & Residential Services.

The Adult Protection co-ordinator is a member of the Shetland Domestic Abuse Partnership (SDAP) and the SDAP Training Group.

There is informal and formal contact between the Adult Protection co-ordinator and the Child Protection co-ordinator. There is a reciprocal agreement to share the minutes between the Adult Protection Committee and the Child Protection Committee. The APC and CPC come together to work jointly, such as responding to consultations on The Protection of Vulnerable Groups, and the (Draft) Guidance on Child Protection in Scotland.

In Shetland there are long established, close working relationships between all agencies at operational, tactical and strategic level. The Adult Support and Protection agenda, as the 'new kid on the block', is benefiting from the infrastructure already in place. Equally, we recognise that we do not exist in a vacuum and acknowledge the support we receive and can provide across the Public protection landscape.

Next Steps:

The on-going work to review and update the Adult Support & Protection Procedures, as per the APC's workplan, will be finalised via a short-life working group to collate this work and re-draft local guidance.

Securing permanent contracts for the staff at the Adult Protection office – the Adult Protection co-ordinators' temporary contract runs until March 2011 and the Adult Protection Administrative Support Worker is seconded to the AP office until March 2011.

7. Communication and Co-operation between Agencies

- Information-Sharing Protocols
- Other agencies involved in Adult Protection activities and the APC;
- Next steps

Information-sharing Protocols:

'The Individual Procedure For Exchange Of Information' is attached in the appendix of The Shetland Inter-Agency Adult Support and Protection Procedures, available on request.

Other agencies involved in Adult Protection activities and the work of the APC:

The key agencies involved in the work of the APC include: Shetland Islands Council; NHS Shetland; The Northern Constabulary; Voluntary Action Shetland; Advocacy Shetland; Child Protection Committee; Shetland Domestic Abuse Partnership; the Care Commission; Procurator Fiscal Services.

Next steps:

The convener and the Adult Protection co-ordinator will participate in the Adult Support & Protection Multi-Agency Event organised by the Scottish Government, in November 2010. Initiatives and strategies from the event will be taken back to the Shetland APC and incorporated into the Work Plan. The challenge ahead includes the need to work more closely with carers groups and service users groups from across Shetland.

8. Training and Staff Development

- Details of training plans
- Data on who has been trained & levels of training
- Workforce issues
- Next steps

Details of training plans:

Adult Support & Protection training has been delivered in Shetland since 2008. This strategy is in line with the Scottish Government's recommendation in relation to the implementation of the AS&P (Scotland) Act 2007. The training has been promoted and circulated to all sectors in Shetland. The training has been largely delivered by national trainers and follows the levels set by the Scottish Government. AS&P training has been offered widely with highest uptake from the Shetland Islands Council workforce, followed by the voluntary sector, NHS Shetland and the Northern Constabulary. More recently there has been specialised training in 'Adult Protection Case Conferences' and on 'The roles of Council Officers under the Adult Support & Protection Act'. Both of these training options will be offered again at the beginning of 2011.

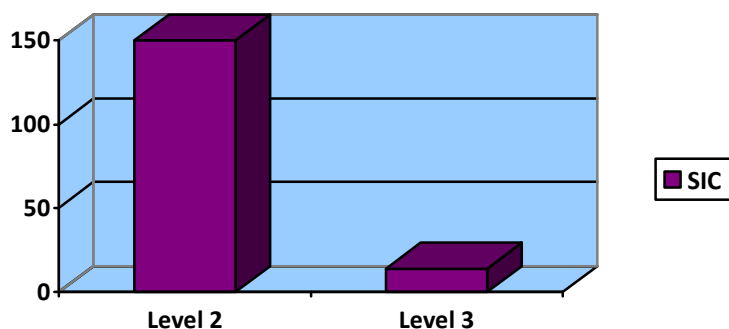
Adult Protection and Child Protection have produced a joint presentation, for all NHS staff at mandatory training. This 'protection training' slot introduces new members of staff to core issues around adult and child protection, and aims to make clear the differences in approach, while directing staff on their roles and responsibilities.

The APC has also been involved in the delivery of informal training. The Adult protection co-ordinator regularly presents on AS&P to Community Care, Shetland College of Further Education, Management Committees of NHS Shetland, Lerwick GPs Group, participation in the training programme of Community Care Trainees; Tracking the effectiveness & relevance of inter-agency training & continue to identify appropriate training for key workers;

Data on Adult Support & Protection Training:

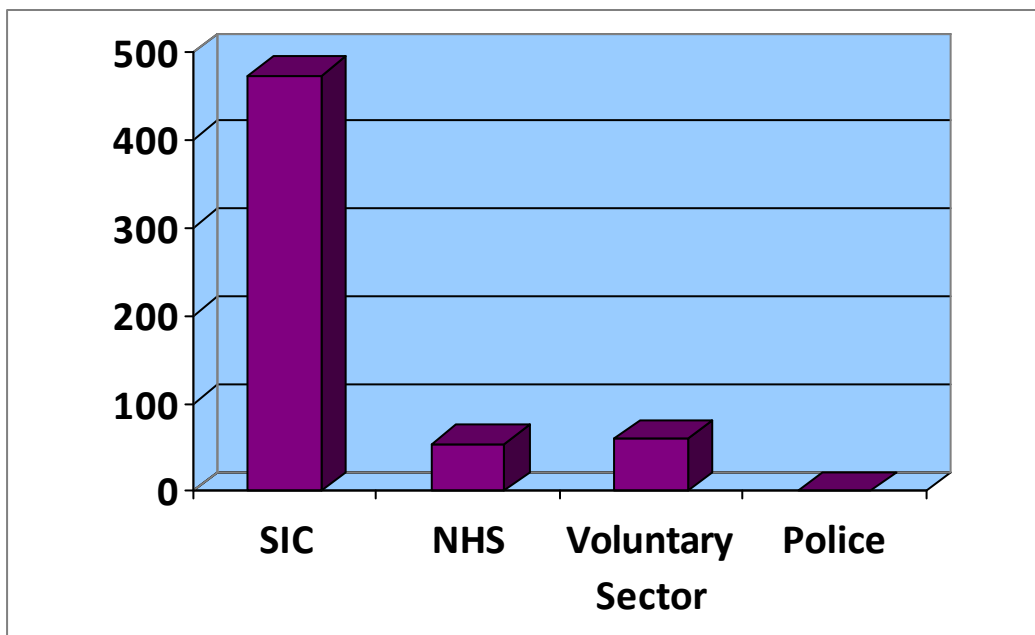
The graphs below set out some detail on the numbers of those trained during the period under review:

Adult Protection Training 2008



In 2008 150 individuals were trained in AS&P at Level 2. The majority of individuals trained at Level 3 in AS&P were from Community Care / Social Work. Over the next year, 2010 – 2011, the APC hopes that all Social Workers, including teams from Children & Families as well as Criminal Justice will be trained to Level 3. This will also increase the knowledge base of the key service involved in adult support & protection, as well as increase numbers able to act as Council officers, under the AS&P Act.

Adult Support and Protection Level 2 Training 2009



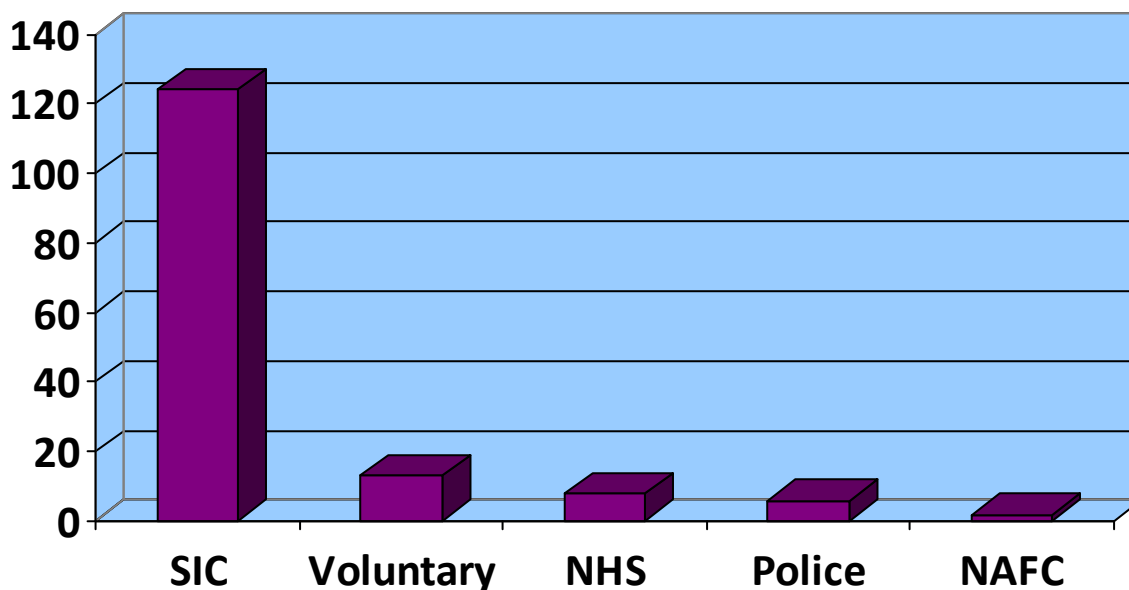
Overall the numbers of individuals trained in Shetland is very encouraging. Over the course of 2009 a total of 587 people have been trained at Level 2.

As we can see the vast majority of those trained in 2009 work for the local authority, with 54 individuals trained from NHS Shetland and 60 individuals from the voluntary sector.

Also, over the course of 2009 a further 44 individuals were trained at Level 3.

The Adult Protection Committee would like to acknowledge the continuing good work of the Training Section of the Shetland Islands Council.

Adult Protection Level 2 Training 2010



A total of 153 individuals have been trained in Shetland over the course of this year with a further 500 places booked on Level 2 AS&P courses between December 2010 and March 2011.

Next steps:

The Northern Constabulary is committed to increasing numbers of AS&P trained police officers in Shetland and plays an active part in the APC and in the APC's Training Sub Group. There has also been an excellent response from a wide range of voluntary services from across Shetland in AS&P training.

While numbers of NHS Shetland staff trained in AS&P look relatively low it should be noted that two training sessions, to be delivered on 17th November 2010, are aimed specifically at GPs, Consultants and key health professionals in Shetland.

The category 'NAFC' refers to a local college, and is indicative of the increase in interest from within Education (secondary and further) in adult protection. To this end, and mindful of the need for careful planning around transitions for child to adult services, senior management from Education & Social Care are being invited to take part in the APC's training Sub Group, and in the work of the APC.

The aim of the Adult Protection Committee is to work towards the development of in-house, practitioner lead multi-agency training. Shetland has an agreement with Edinburgh, Borders and Lothian to access training materials and to this end the Adult Protection co-ordinator has requested copies of the latest AS&P multi-agency training materials, that also include awareness of domestic abuse in relation to adults at risk, as well as material on 'Keeping Safe', aimed at service users.

Following consultation with key workers, arrangements are in place for the development of two new courses in Shetland, namely 'Complex Cases in Adult Protection' and 'Involving Service Users & Carers in Adult Support & Protection'. Both of these courses will be offered at the beginning of 2011. Training will also be delivered on 'Chairing Adult Protection Case Conferences'. Courses are regularly offered to a wide range of services in Shetland, including the voluntary sector, on Adult Support & Protection Levels 2 and 3, free of charge, and delivered by national trainers.

The Adult Protection office has secured funding from Shetland Community Safety to commission and produce a training / awareness DVD on the life experiences of service users. The work results from the APC's work plan and long term aim to promote involvement of service users and carers in the work of the APC and to raise awareness of the need to support and protect adults at risk in our community. An experienced filmmaker has been identified, as have several participants. We acknowledge the support we have received from the Community Safety Partnership in this respect, which demonstrates, again, the close working relationship between partners in Shetland.

9. Conclusions, Future Plans & Dissemination of the Findings of the Biennial Report

- Summary of key achievements and next steps
- Dissemination of the findings of the biennial report

Summary of key achievements and next steps:

The key achievements of the APC, Sub Groups (Training; Quality Assurance; and the NHS Implementation Group) & the work of the APC's Short Life Working Groups (Protection of Vulnerable Groups; Recording Adult Protection Activity; Response to Draft Guidance on Child Protection) include:

Formation of the Shetland Adult Protection Committee, sub groups and cycles of meetings; Production & circulation of AS&P Inter-Agency Procedures, protocols, guidance, policies & checklists; APC responses to consultations; Creation of AS&P website; Production of public information, and user guide & easy read user guide for Adult protection Case Conferences; AS&P Procedures made available on NHS & SIC websites; Completion of financial information, budgets etc for COSLA AS&P spending surveys, 2008-2009 & 2009-2010; Planned, organised & promoted an effective multi-agency training programme at all levels in Shetland; APC convener & Adult Protection co-ordinator continue to make links with AS&P across Scotland & to take part in the Scottish Network; APC continues to forge strong links with Child Protection, Shetland Domestic Abuse Partnership (SDAP) & SDAP Training Group; Production of 'Protection' mandatory training for NHS Shetland re Child & Adult Protection; Organising specialist AS&P training e.g. GP, Consultant & NHS Training, AP Case conferences, AP & Complex Cases, Involvement of Service Users; Developing mechanisms to gather data on Adult Protection activity; Establishment of the Adult Protection office; Establishment of governing body via Chief Officers Group; Evaluation of recommendations from Inquiries; Devising protocols on significant case reviews; taking part in national audit processes; increasing confidence and skills among key workers involved in the day to day work to protect and support adults at risk in our community; involving key workers in the re-drafting of the Shetland Inter-Agency Adult Support & Protection Procedures; excellent levels of inter-agency cooperation to support and protect individuals at risk in our community.

Dissemination of the findings of the biennial report

The Shetland Adult Protection Committee (APC) proposes publishing the Convener's biennial report on the Shetland Islands Council website; NHS Shetland website and the Northern Constabulary website, once the report has received appropriate approval from relevant agencies, committees as well as the Chief Officers Group. A hard copy of the biennial report will be placed with the Shetland

Library. The biennial report will also be made available to: Voluntary Action Shetland; Advocacy Shetland; Carer's Groups; Shetland College; Adult Learning; Housing Groups; and to substance misuse services; mental health; domestic abuse; the transition between children and adult services; Child Protection Committee; and service users groups. Furthermore the APC proposes to make available a biennial report 'easy read' version, to the circulation list above. Key aspects of the biennial report will also be reproduced in press release format for the local media in Shetland. This will provide us with a valuable opportunity to highlight Adult Support and Protection in a wider context and demonstrate how it links with other aspects of the Public Protection agenda.

Acknowledgements

The Independent Convener acknowledges the support of the Scottish Government in establishing Adult Support and Protection within Shetland. Of particular benefit has been the establishment of the Chair's quarterly meetings that take place, normally in Edinburgh. These have provided invaluable opportunities to network with other Chairs / Conveners and liaise with colleagues at high level within Government. Likewise, similar meetings for Co-ordinators have been well received and are valuable, particularly considering our geographical isolation from the centre.

The Independent Convener has arrived rather late in the period under review. He acknowledges the work done by his predecessor, Mrs. Nina Fraser of NHS Shetland who was the first APC Convener. He also wishes to thank, personally, the following for their support in his initial few months in post, and for assistance in providing some of the information contained in this report:

The Chief Executive, Shetland Islands Council
The Chief Executive, NHS Shetland
The Chief Constable, Northern Constabulary
The Chief Social Work Officer, Shetland Islands Council
Head of Community Care, Shetland Islands Council

Of particular note is the work done by Ms Isobel Mitchell, Adult Protection Co-ordinator, in producing this report. The Independent Convener wishes to place on record his appreciation for this and also her efforts over the past two years in establishing and mainstreaming the Adult Support and Protection agenda within Shetland.

Caveat

The contents of this report were approved at the meeting of the Shetland Adult Protection Committee on 21 October 2010. Senior members of all statutory agencies attended this meeting. Due to time constraints, however, the report has not been formally approved to date by the Services Committee of Shetland Islands Council, the Board of NHS Shetland, Northern Constabulary or Chief Officers Group. This approval shall be obtained at the next available opportunity over the forthcoming weeks.

Malcolm J. Bell,
Independent Convener,
Shetland Adult Protection Committee
Lerwick,
29 October 2010.

Frequency & Attendance - APC meetings:									
Members	01/12/2008	23/02/2009	26/03/2009	26/06/2009	24/09/09 postponed to 14/10/2009	14/10/2009	10/01/2010	15/04/2010	Meetings Att.
Independent Convener	/	/	/	/	/	/	/	Y	1
Community Care, Social Work, Shetland Islands Council - CSWO	Y	Y	Y	Y	Y	Y	Apol	Y	7
Community Care, Social Work, Shetland Islands Council - Head of Svs	Y	Y	Apol	Apol	Apol	Apol	Apol	Apol	2
Legal Services, Shetland Islands Council	Y	Apol	Y	Apol	Apol	Apol	Y	Y	4
NHS, Director of Nursing	Y	Y	Y	Y	Y	Y	Y	/	7
NHS, Nurse Advisor (Protection)	/	/	/	/	/	/	/	Y	1
Care Commission, North East Scotland		Y	Y	Y	Apol	Apol	Apol	Y	4
Adult Protection Co-ordinator	/	/	Y	Y	Y	Y	Y	Y	6
Criminal Justice, Social Work, Shetland Islands Council	Apol	Apol	Y	Apol	Apol	Apol	Y	Y	3
Children and Families, Social Work, Shetland Islands Council	Apol	Apol	Apol	Y	Y	Y	Y	Apol	4
Voluntary Sector, Voluntary Action Shetland	Y	Y	Y	Y	Y	Y	Y	Y	8
Mental Health Service Manager Housing, Shetland Islands Council	Y	Y	Apol	Apol				Apol	2
	Y	Apol	Apol	Apol	Apol	Apol	Y	Y	3
Shetland College of Further Education, Director	Apol	Y	Apol	Y	Apol	Apol	Apol	Apol	2
The Northern Constabulary	Y	Apol	Y	Apol	Y	Y	Y	Y	6
Training Manager, Shetland Islands Council	Apol	Y	Apol	Y	Apol	Apol	Y	Apol	3
Attendees	9	9	8	8	6	6	9	10	

Frequency & Attendance – APC sub groups:

<u>QA Sub Committee</u>							
Members	15/06/2009	14/09/2009	01/12/2009	01/04/2010	27/05/2010	23/08/2010	Meetings Att.
SIC, Chief Social Work Officer (Chair)	Y	Y	Y	cancelled due to illness of Chairperson	Y	Y	5
Independent Convener	/	/	/		/	Y	1
Voluntary Action Shetland Representative	Y	Apol	Y		Apol	Apol	2
NHS, Nurse Advisor (Protection)	Apol	Y	Y		Y	Apol	3
Adult Protection Coordinator	Y	Y	Y		Y	Y	5
SIC, Service Manager Children's Services	Y		Apol		Apol	Apol	1
Shetland College Director	Y	Y	Y		Y	Y	5
The Northern Constabulary Representative	Y	Y	Apol		Y	Y	4
Attendees	6	5	5		5	5	

NHS Implementation Group							
Members	28/10/2009	14/01/2010	25/02/2010	01/04/2010	13/05/2010	23/09/2010	Meetings Att.
2009/10 (Chair) - Director of Nursing	Y	Y	cancelled bad weather	/	/	/	2
2010 (Chair) - Director of Nursing	/	/		/	Y	Apol	1
Nurse (Child and Adult Protection)	Apol	Y		Y*	Apol	Apol	2
Learning Disabilities Nurse	Y	Apol		Y	Y	Y	4
Primary Care Service Manager				Apol	Apol		0
Assistant Director of Community Nursing	Apol	Apol		Y	Y	Apol	2
Senior Charge Nurse Ward 3				Apol	Apol	Apol	0
Senior Charge Nurse A&E	Apol	Apol		Apol	Apol	Y	1
Consultant Psychiatrist	/	/		/		Apol	0
Adult Protection Coordinator	Y	Y		Y	Y	Y	5
Dementia Services Manager		Y		Apol	Y	Apol	2
Service Manager Mental Health				Apol			0
MS Nurse	Apol	Apol		Apol	Apol	Apol	0
Attendees	3	4		4	5	3	

<u>APC Training Sub Committee</u>									
Members	03/12/2009	11/03/2010	06/05/2010	17/06/2010	01/07/2010	26/08/2010	06/10/2010	Meetings Att.	
SIC, Training Manager, Social Care (Chair)	Y	Y	cancelled due to high apologies	cancelled due to chair unavailability	cancelled due to apologies	cancelled due to high apologies	Y	3	
SIC, Assistant Manager Community Care Resources		Apol					Apol	0	
Voluntary Sector, Crossroads Representative		Apol						0	
SIC, Care Home Manager		Apol					Y	1	
Adult Protection Coordinator	Y	Y					Y	3	
The Northern Constabulary Representative		Y					Y	2	
NHS, Staff Development Manager	Apol	Y					Apol	1	
NHS, Assistant Director of Nursing (Community)		Apol					Apol	0	
SIC, Training Section Representative	Y							1	
NHS, Primary Care Service Manager	Apol	Apol						0	
Attendees	3	4					4		

Adult Support and Protection Spending Survey 2008/2009

Adult Support and Protection (Scotland) Act 2007 - Survey

1: Expenditure

	Total spend £,000s	
	Actual	Projected
1 April 2008 - 28 October 2008	36178	
29 October 2008 - 31 March 2009	23659	
1 April 2009 - 31 March 2010	87587	43108
	Total	130,695

2: Staffing - Social workers and care managers

	Number of staff		Total cost
	Temporary	Permanent	£,000s
1 April 2008 - 28 October 2008		0.13	22373
29 October 2008 - 31 March 2009		0.31	7349
1 April 2009 - 31 March 2010	1	0.5	67054

3: Staffing - Administrative support staff

	Number of staff		Total cost
	Temporary	Permanent	£,000s
1 April 2008 - 28 October 2008		0.12	1770
29 October 2008 - 31 March 2009		0.38	3934
1 April 2009 - 31 March 2010	0.5	0.06	9450

4: Staffing - Other staff

	Number of staff			Total cost
	Management	Legal	Other (please specify)	£,000s
1 April 2008 - 28 October 2009	0.01		0.01	0
29 October 2008 - 31 March 2009	0.12	0.13		443
1 April 2009 - 31 March 2010	0.1	0.01	0.22	2708

n.b: Others - Training Manager & Asst, Resource Assistant, Committee members

5: Adult Protection Committees

Have you appointed a convener?

If yes, is the appointment temporary or permanent?

If no, when do you expect to make an appointment?

What is the annual cost of your convener?

£

What is the annual running cost of your ASP Committee?

£

How often has your ASP Committee met?

6: Training

Total Training Costs

	Total cost
	£,000s
1 April 2008 - 28 October 2008	12036
29 October 2008 - 31 March 2009	11933
1 April 2009 - 31 March 2010	37960

Training Activities

Please describe the training activity that your council has delivered, including details of frequency and volume

7: Advocacy

Total Advocacy referrals

	Referrals	Total cost
		£,000s
29 October 2008 - 31 March 2009		
1 April 2009 - 31 March 2010		

Please describe any additional burdens on your council with respect to advocacy

8: Referrals, Inquiries and Investigations

	Referrals	Inquiries	Investigations
1 April 2008 - 28 October 2008			
29 October 2008 - 31 March 2009			
1 April 2009 - 31 March 2010			

Outcome of Inquiry or Investigation

	Number of Inquiries or Investigations resulting in:		
	No Action	Further Action under ASP Act	Alternative Action (non-ASP)
29 October 2008 - 31 March 2009			
1 April 2009 - 30 September 2009			

Professional Concern Meetings

	Number of referrals resulting in planning meetings or professional concern meetings
29 October 2008 - 31 March 2009	
1 April 2009 - 30 September 2009	

Case Conferences

	Number of case conferences	Number of case conference reviews
29 October 2008 - 31 March 2009		

1 April 2009 - 30 September 2009		
----------------------------------	--	--

9: Protection orders

	Consideration for Application	Applications Made	Successful Applications
Assessment orders			
Removal orders			
Banning (including temporary banning) orders			

10: Large Scale ASP Investigations and Significant Case Reviews

Please comment on any large scale investigations and/or significant reviews that your council has undertaken

11: Partnership Working**(a) Within the Local Authority**

Please comment on collaboration across the local authority in support of adult protection activities

**(b) Police
Involvement**

Adults at Risk of Harm

	Number of referrals made to social work services under ASP by the Police
29 October 2008 - 31 March 2009	
1 April 2009 - 30 September 2009	

Interagency Referral
Discussions

	Number of IRDs undertaken between police and social work services
29 October 2008 - 31 March 2009	
1 April 2009 - 30 September 2009	

Attendance at Adult Protection Meetings

	Number of adult protection meetings attended by police
29 October 2008 - 31 March 2009	
1 April 2009 - 30 September 2009	

Referrals to the Police

	Number of referrals made to the police by social work services
29 October 2008 - 31 March 2009	
1 April 2009 - 30 September 2009	

Outcome of referrals if known

**(c) Health
Involvement**

Please comment on the extent of involvement of Health Boards in the support of adult protection activities.

**(d) Voluntary Sector
Involvement**

Please comment on the involvement of voluntary sector partners in the support of adult protection activities

**(e) Care Commission
Involvement**

Please comment on the involvement of the Care Commission in the support of adult protection activities

12: Other Costs

Expenditure

	Total spend £,000s			
	Set-up and other one-off costs	Commissioning Costs	Legal Costs	Other Costs
1 April 2008 - 28 October 2008				
29 October 2008 - 31 March 2009				
1 April 2009 - 31 March 2010	13513			

13: Outcomes

Please describe what impact you feel the Adult Support and Protection Act has had on individual outcomes to date.

14:Any Other Comments

Please provide any other comments about the implementation of the Adult Support and Protection Act

Please return to:

Stuart Johnston

COSLA

stuart.johnston@cosla.gov.uk

by 4 December 2009

Adult Support and Protection Spending Survey 2009/2010

Adult Support and Protection (Scotland) Act 2007 - Survey

1: Expenditure

	Total Spend £,000's
1 April 2009 - 31 March 2010	129

2: Staffing - Social workers and care managers

	Number of staff		Total cost
	Temporary	Permanent	£,000s
1 April 2009 - 31 March 2010		0.64	24

3: Staffing - Administrative support staff

	Number of staff		Total cost
	Temporary	Permanent	£,000s
1 April 2009 - 31 March 2010		0.32	8

4: Staffing - Other staff

	Number of staff				Total cost
	Adult Protection Unit	Management	Legal	Other (please specify)	£,000s
1 April 2009 - 31 March 2010	1.12	0.06	0.02	0.4	69
				Trng Mgr & Asst, Resources Asst, Committee Members	

5: Adult Protection Committees

What is the annual cost of your convener?

£5K for 10/10

What is the annual running cost of your ASP Committee?

£10K est for 10/11

6: Training

Total Training Costs

	Total cost £,000's
1 April 2009 - 31 March 2010	23

7: Advocacy

Total Advocacy referrals

	Referrals	Total cost £,000's
1 April 2009 - 31 March 2010		

8: Other Costs

Other
Expenditure

Total spend £,000s			
Set-up and other one-off costs	Commissioning Costs	Legal Costs	Other Costs

1 April 2009 - 31 March 2010	5			
------------------------------------	---	--	--	--

9: Adult Protection Committees

Have you appointed a convener?

If yes, is the appointment temporary or permanent?

If no, when do you expect to make an appointment?

How often has your ASP Committee met?

Yes/No
Temp/Perm
Date:

10: Referrals, Inquiries and Investigations

	Referrals	Inquiries	Investigations
1 April 2009 - 31 March 2010			

Outcome of Inquiry or Investigation

	Number of Inquiries or Investigations resulting in:		
	Further Action under ASP Act	Alternative Action (non-ASP)	No Further Action
1 April 2009 - 31 March 2010			

Professional Concern
Meetings

	Number of referrals resulting in planning meetings or professional concern meetings
1 April 2009 - 31 March 2010	

Case
Conferences

	Number of case conferences	Number of case conference reviews
1 April 2009 - 31 March 2010		

11: Protection orders

	Consideration for Application	Applications Made	Successful Applications
Assessment orders			
Removal orders			
Banning (including temporary banning) orders			

SC-03-11-App1-3

Please return to:

Stuart Johnston

COSLA

stuart.johnston@cosla.gov.uk

Monday 27th September



REPORT

To:

Services Committee
Shetland Islands Council
Employees JCC
Shetland College JCC
Local Negotiating Committee for Teachers

3rd February 2011
16th February 2011
1 March 2011
20 January 2011
TBC

From:

Chief Social Work Officer
Human Resources Manager

PROTECTING VULNERABLE GROUPS SCHEME

Report No: CE 003-F

1. Introduction

- 1.1 This report seeks to advise members of new vetting membership scheme that is due to come into effect from February 2011 and the implications of the Protection of Vulnerable Groups (Scotland) Act 2007, particularly in relation to this Protection of Vulnerable Groups Scheme.
- 1.2 This report seeks approval to continue to meet the cost of vetting by meeting the cost of Scheme membership.
- 1.3 The link to the Scottish Government Guidance on the PVG Scheme has been circulated separately to all members of the Shetland Islands Council.

2. Links to Corporate Priorities

- 2.1 The Council is committed to:
 - Ensuring all individuals have the right to feel safe in their communities
 - Reducing harm
 - To support and protect the most vulnerable members of the Community
 - Safer recruitment
- 2.2 The Protection of Children remains one of the Councils principle priorities.

3. Risks

- 3.1 In some circumstances, where the Council has not taken appropriate action to keep children and vulnerable individuals safe, it may be open to legal actions for a breach of duty of care.
- 3.2 The Council is required to meet standards set by external agencies and professional bodies such as the Care Commission. Failure to apply rigour in our recruitment practices will fail to meet those standards and risk damaging the Council's reputation as a good employer who is committed to protecting children and vulnerable adults.

4. Background

- 4.1 The Protection of Vulnerable Groups (Scotland) Act 2007 was passed by the Scottish Parliament on 8th March 2007 and received Royal Assent on 18th April 2007.
- 4.2 The Act follows an extensive review of Child Protection Procedures in England and Wales carried out by Sir Michael Bichard in the wake of his enquiry into the murder of two schoolgirls in Soham in 2002. It replaces enhanced disclosure for individuals working with vulnerable groups and introduces a new concept of "regulated work".
- 4.3 The current Disclosure procedure to check on an individual's criminal history, is carried out as part of the recruitment procedure for posts which require working with children and vulnerable adults. This involves obtaining an Enhanced Disclosure check from Disclosure Scotland.

5. What is the PVG Scheme

- 5.1 The Act provides for the protection of two vulnerable groups:
 - Children – defined as an individual aged under 18 years
 - Protected adults – defined as an individual aged 16 and over who is provided with (and receives) a type of care, support or welfare services

(There are 4 categories of services which makes an individual a protected adult)

 - Registered Care Services
 - Health Services
 - Community Care Services
 - Welfare Services
- 5.2 The Act also introduces the concept of "regulated work" the definition of which is based on:
 - The activities that a person does
 - The establishments which a person works
 - The position they hold; or
 - The people for whom they have day to day Supervision or Management Responsibility

There are 2 types of regulated work:

- Regulated work with children
- Regulated work with protected adults

This supersedes the definition of childcare positions in the Protection of Children (Scotland) Act 2003.

- 5.3 The Act establishes the Protecting Vulnerable Groups Scheme (PVG Scheme) which is intended to ensure that people who are unsuitable do not gain access to children or protected adults through work, either paid or unpaid, and that those who become unsuitable are detected early and prevented from continuing to work.
- 5.4 It will continue to be delivered and managed by Disclosure Scotland as an Executive Agency of the Scottish Government.
- 5.5 Any individual who does or is planning to carry out “regulated work” with children or protected adults must apply to the PVG Scheme, to become a member.
- 5.6 Disclosure Scotland will also be required to maintain lists of individuals who are unsuitable to work with children and protected adults. Where an individual is deemed unsuitable, as a Scheme member Disclosure Scotland will list them on the Children or Protected Adult barred list. Listing can be to one or both of these lists and being on a list means that the individual will be barred from doing regulated work.
- 5.7 It is an offence for any individual placed on one or either of the lists to undertake regulated work for the group for which they are listed.

6. Summary of the improvements with the new PVG Scheme

- 6.1 The PVG Scheme offers the following improvements on the current system:-
 - **Effective Barring** – Disclosure Scotland does not just collect vetting information; it also assesses it so that individuals who are considered unsuitable on the basis of vetting information are prevented from entering the workforce.
 - **The Adults’ List** – a new list of individuals who are unsuitable to work with protected adults.
 - **Continuous Updating** – continuing to collect vetting information about an individual after the initial Disclosure check has been made so that new information indicating that they might be unsuitable can be acted upon.
 - **Streamlined Disclosure Processes** – recognising that some people may have several roles (e.g. a supply teacher in several different locations and a scout leader in their spare time) and that people move and change jobs over time; and

- **Access to Disclosure for Personal Employers** – they can check that the person they are seeking to employ is not unsuitable, e.g. a parent employing a sports coach for their child or someone buying care services directly.

7. How will the PVG Scheme work?

7.1 After 30 November 2010, when an individual is recruited to a post in regulated work, a Scheme record will be requested. When the application is received by Disclosure Scotland they will check for criminal history and whether the person is either barred from working with children and/or protected adults. If the person is not barred a Scheme Record will be issued to both the individual and the organisation.

7.2 An employer will request a Scheme Record Update where an existing Scheme member is applying for another job with the Council or as a new employee. The purpose of the Record Update is to enable the employer to check quickly, easily and more cost effectively that the employee or potential employee is a scheme member. As over 90% of enhanced disclosures currently show no relevant information, there is only a small minority of checks that would require further consideration i.e. to obtain a full PVG Scheme record to enable a decision to be made on the suitability of the prospective applicant.

7.3 The Scheme Record Update provides the following information:-

- Specify the date of the last PVG Scheme record
- State whether any existing vetting information is included in the member's Scheme Record
- Indicate whether any new vetting information has been added to the member's scheme record and the date it was added
- Indicate whether any vetting information

Where information has been added or removed, the substance of the information will not be detailed.

7.4 The Scottish Government intend to phase in membership over the next 4 years and from 30 November 2010, the scheme will be available to those joining the protected workforce for the first time or those moving jobs or employers. The subsequent 3 years, November 2011 – 2014 will see a requirement for us to process membership for the remainder of our employees in regulated work. Discussions must take place with Disclosure Scotland on how best this can be managed with the council and also to ensure the associated costs can be managed.

8. Financial Implications

- 8.1 Recruiting paid or non-paid individuals in to regulated work from 30 November 2010 will require individuals to be a member of the PVG Scheme. It will cost £50 to become a member and an employee only needs to join the Scheme once. Scheme Record updates will cost £18. In a small number of cases there might be the need to upgrade a Scheme Record Update to a Scheme Record which costs £41, provided the request is submitted within 30 days of the Update being issued.
- 8.2 The Council carried out 1630 Enhanced Disclosures at £23 per check during the financial year 2009/10, a total cost of £37,490. Of these, there were 306 checks for new appointments, and the remaining 1324 were renewals. This includes all relevant employees, volunteers, foster carers and Elected Members.
- 8.3 The costs under the new Scheme based on those same numbers would be £15,300 for 306 new memberships and £18,536 for renewals. A total cost of £33,836, which is slightly less than current costs.
- 8.4 Enhanced Disclosures are currently renewed every 3 years in accordance with the Care Commission guidelines and there is no indication that this is likely to change following introduction of the new Act. However, as only a minority of checks will need any further vetting information, there will be a reduction in the cost of vetting once the current workforce in regulated work becomes scheme members, i.e by 2014. These costs will also be reduced where there is a reduction in the number of posts within regulated work and any future reduction in employment.

9. Policy and Delegated Authority – Shetland Islands Council

- 9.1 All Social Work matters stand deferred to the Services Committee. The Committee has delegated authority to make decisions on matters within its remit and for which overall objectives have been approved by the Council, in addition to appropriate budget provision, in accordance with Section 13 of the Councils' scheme of delegation.
- 9.2 However, as the proposals set out in this report refers to all Services within Shetland Islands Council, and requires variation of existing Council HR policies a decision of the Council is required.

10. Conclusions

- 10.1 The Protecting Vulnerable Groups (Scotland) Act 2007, introduces a new vetting Scheme Membership that replaces Enhanced Disclosures and provides for the protection of children and protected adults. It follows an extensive review of Child Protection procedures and introduces the concept of "regulated work" that supersedes the definition of child care positions in the Protection of Children (Scotland) Act 2003.

- 10.2 The new Scheme provides an organisation with a means of satisfying itself that those doing paid or unpaid regulated work for it are not barred from doing so. It's main intention is to ensure that people who are unsuitable do not gain access to children or protected adults through work, paid or unpaid, and that those who become unsuitable are detected early and prevented from continuing to work.
- 10.3 The initial cost of Scheme membership at £50 will exceed the £23 paid currently (soon to be increased to £25). The need to obtain a new Enhanced Disclosure at £23 every 3 years will be replaced by the requirement to obtain a Scheme Record Update at £18.

11. Recommendations

- 11.1 I recommended that the Services Committee recommends that the Council:
- a). delegates authority to the Human Resources Manager to amend recruitment and other procedures accordingly, in order to replace the Disclosure Scotland procedure with the new PVG Scheme, and
 - b). agrees to continue to meet the cost of vetting employees and meet the cost of membership to the PVG Scheme.

Our ref: AW/DB_PVG Scheme
Report No: CE 003-F

6th January 2011

QUICK GUIDE TO DISCLOSURE TYPES

Type of PVG Scheme Disclosure	Context/Use	Cost	Existing Disclosures
PVG Scheme Record	When a person joins the PVG Scheme for the first time to work for an organisational employer or when a employer requires disclosure of the full PVG Scheme Record.	£59 or £41 if requested after a PVG Scheme Record Update has indicated that new vetting information is available.	£23 for each enhanced disclosure application
PVG Scheme Record Update	For any subsequent updates for organisational employers on an existing PVG Scheme member.	£18 every 3 years (requirement of Care Commission)	£23 for a new enhanced disclosure application renewed every 3 years (requirement of Care Commission)



REPORT

To: Services Committee

03 February 2011

**From: Head of Finance
Executive Services Department**

Report No: F-005-F

**Education & Social Care Revenue Management Accounts
General Ledger, Reserve Fund and Housing Revenue Account
For the Period 1 April 2010 to 31 December 2010**

1. Introduction

- 1.1 The purpose of this report is to provide Members with an overview of the financial position on the Education & Social Care Service (ESCD) General Ledger, Reserve Fund and Housing Revenue Account (HRA) revenue management accounts (RMA) for the first 9 months of 2010/11.
- 1.2 This report will also highlight the position with regard to savings identified and the predicted outturn variances.

2. Links to Corporate Priorities

- 2.1 This report links to the Council's corporate priorities, defined in its Corporate Plan, specifically in relation to reviewing financial performance relative to the Council's financial policies.

3. Risk Management

- 3.1 This is an information report so there are no risks associated with the recommendations.

4. Background

- 4.1 The revenue management accounts are presented to the Executive on a monthly basis to monitor the Council's overall financial position.
- 4.2 The appendices show financial data under the following headings:
- **Annual Budget** – this is essentially the budget for a service activity, which was approved by the Council as part of the Council Tax setting process for 2010/11. Budget Responsible Officers (BROs) have delegated authority, in most cases, to spend up to this budget, in order to deliver the policy decisions of the Council. BROs are therefore responsible for: the amount of service; the way in which the services are delivered; where the services are provided; and the quality of service provided. The most significant elements of cost for the Department are staffing costs (75%), transfer payments (9%) and property costs (7%). Transfer payments refer to a range of grant aid payments to individuals and organisations. Income figures are shown as minus.
 - **Year to Date (YTD) Budget** - the amount which we expect to spend or receive up to a given point (end of December) in the year. This report therefore covers the first 9 months of this financial year. YTDs for many budgets are simply split evenly across the year, i.e 9/12ths of the staffing budget, which would be expected to be spent at this point in the year. There are however some activities which are less easy to predict (for example, grant aid does not follow any particular pattern as it depends when the applications arise).
 - **Year to Date Actual** - the total income or expenditure up to a given point (end of December).
 - **Year To Date Variance** – this is the difference between the YTD budget and YTD actual. Figures in brackets are overspends.

5. Financial Position on the General Ledger (inc Support/Recharged)

- 5.1 Appendix 1 lists, by main service area, the services provided by the Education and Social Care Department and their net estimated cost to the Council in 2010/11. The term 'net' means that any income to that service is deducted from the total cost.
- 5.2 There is an under-spend of £1.6M (2.7%) against budget to the end of period 9 (See Table 1). In addition to this under-spend, the service has identified £2.1M in savings to date (See Table 2).

Table 1: Summary of Position across General, Support and Recharged Ledgers for 9 months to December 2010

Service Area	Annual Budget	Year To Date Budget	Year To Date Actual	Year To Date Variance (Over)/Under Spend
	£m	£m	£m	£m
Directorate	2.8	2.4	2.3	0.1
Housing	2.3	1.7	1.6	0.1
Community Care	23.4	19.1	18.7	0.4
Children's Services	6.3	4.6	4.5	0.1
Schools	39.3	29.5	28.7	0.8
Sport & Leisure	1.8	1.4	1.3	0.1
Community Work	0.4	0.3	0.3	0.0
Train Shetland	0.6	0.5	0.4	0.1
Criminal Justice	0.02	0.02	0.03	(0.01)
TOTAL	76.9	59.5	57.8	1.6

5.3 Table 1 above demonstrates that, for the first 9 months of the year, the Department spent £1.6m less than expected for the period. There are no major areas of overspend which cannot be met from savings on other budgets headings. Overall, the Department is expected to come in within budget in this financial year, with any additional savings identified contributing to the overall corporate savings targets.

5.4 Appendix 2 sets out the position by cost centre and service area.

5.5 The main under-spends are on Staffing Costs (£1.24M) which have occurred due to vacancies, and delays in recruitment, as follows:

- Corporate Savings Achieved - £724K
- Across ESCD Pension Contributions - £273K
- Across ESCD Island Allowance - £75K
- Support for Learning - £63K
- Residential Childcare - £56K
- Independent Living Project - £52k
- Housing Operational Services - £47K
- Annsbrae/Mental Health - £37k

5.6 The remaining under-spends include:

- Across ESCD, Water/Waste Metre Charge - £60K
- Across ESCD, Electricity - £103k
- Across ESCD, Travel Costs - £74K
- Across ESCD, All Training Costs - £107k

5.7 The main over-spends are as follows:

- Community Care Income - £281K adverse variance due to the majority of residents paying lower than anticipated fees, and some minor profiling issues
- Across ESCD, Overtime - £93K
- Child Off Island Accommodation - £194k overspend
- Across ESCD, Non-Domestic Rates - £302k overspend as a result of the revaluations for 2010/11

5.8 To date a total savings contribution of £2.1M has been identified by the Education and Social Care Service, to match off against the budgeted savings required to be found in this area, as follows:

Service	Savings Target	Achieved	Balance
Community Care	1,165,194	1,441,391	(276,197)
Schools Service	80,861	465,289	(384,428)
Children's Services	126,000	126,000	0
Sport & Leisure	0	60,603	(60,603)
Community Work	0	3,130	(3,130)
TOTAL	1,372,055	2,096,413	(724,358)

5.9 As you can see from table 2 above, the Education and Social Care Department have now contributed over £724k to the corporate savings target.

5.10 The Executive Director of Education and Social Care has stated that "The Council's overall budget for 2010/11 placed an expectation on the Education and Social Care Department to secure savings of £1.4m. Each Head of Service has, since April 2010, undertaken a serious and significant review of the budgets set at the beginning of the year to achieve the corporate savings targets. This has meant that some service areas have had to be constrained in terms of the level of service, which might have been expected. At this stage in the year, the Department has achieved £2.1m savings, so contributing £0.7m to the overall corporate savings targets."

6. Financial Position on the Reserve Fund

6.1 Appendix 3 shows the position for the Reserve Fund by service area and type of spend, and Appendix 4 shows the same information by cost centre. There is an under-spend of £9k (2%) against budget to the end of period 9.

- 6.2 The main under-spend is on Housing Initiatives (£12K). and is due to lower than anticipated use of advertisements and printing.
- 6.3 The main over-spend is on Modern Apprenticeships (£12K), and relates to Single Status back payments .
- 6.4 It is anticipated that the outturn position will be approximately £13K overspent.

7. Financial Position on the Housing Revenue Account (HRA)

- 7.1 Appendix 5 shows the position on the HRA by service area and type of spend, and Appendix 6 shows the same information by cost centre. There is an underspend of £38K (1%) against budget to the end of period 9.
- 7.2 The main variances are:
- Customer Service - £23.4k under-spend, due to profiling on Repair and Maintenance and Housing Energy costs
 - Other - £28K over-spend, due to reinstatements
- 7.3. No significant variances have been identified to suggest that the outturn position will not be in line with the budget set.

8. Financial Implications

- 8.1 There are no direct financial implications associated with this report. The information is intended to enable Members to take action where necessary, should services not be able to be delivered within the allocated budget amounts. At period 9, the Executive Director of Education and Social Care has indicated that no specific corrective actions are required, and that ongoing efforts are being made to ensure that discretionary spend is contained in order to further contribute to the Council's overall corporate savings targets.
- 8.2 The General Ledger is under-spent by £1.6M, mainly on employee costs and operating costs as stated in 5.5 – 5.7 above.
- 8.3 The Reserve Fund is under-spent by 9k due to profiling and Single Status back payments.
- 8.4 The HRA is under-spent by £38k, which is mainly due to profiling and reinstatements.
- 8.5 As reported in the Head of Finance's Estimates Report in February 2010 (SIC 15/10), in order to meet the financial policy target of a draw on Reserves of £2m on the General Fund revenue budget there is an overall budget saving requirement of £9.9m across the Council for 2010/11.
- 8.6 To date a total savings contribution of £2.1M has been identified by the Education and Social Care Service however it should be recognised that following the Chief Executive's instruction of a moratorium on non

essential spending, further savings will be identified and reported to the Council each cycle.

9. Conclusion

- 9.1 The General Ledger, Reserve Fund and Housing Revenue Account (HRA) revenue management accounts show that Education and Social Care Services overall are generally on target against budget as at period 9 (April – December) including real savings of £2.1M to date.
- 9.2 No significant variances have been identified to suggest that the outturn position will not be in line with budgets set, however BROs will work hard to identify further savings as a contribution to the corporate savings target.

10. Policy & Delegated Authority

- 10.1 The Services Committee has delegated authority to act on all matters within its remit for which the Council has approved the overall objectives and budget, in accordance with Section 13 of the Council's Scheme of Delegations.

11. Recommendation

- 11.1 I recommend that the Services Committee note this report.

Report No: F-005-F
Ref: Accountancy/JT

Date: 24 January 2011

EDUCATION & SOCIAL CARE MANAGEMENT INFORMATION 2010/11 - PERIOD 9	1st April 2010 to 31st December 2010
---	--------------------------------------

<u>Revenue Expenditure by Service</u>	Annual Budget	Year to Date Budget	Year to Date Actual	Year to Date Variance Including Savings (Overspend)/Underspend
	£	£	£	£
Education & Social Care Services (total)	76,844,955	59,457,036	57,847,574	1,609,462
Executive Director (inc Museums)	1,516,620	1,428,023	1,430,124	(2,101)
Resources	1,272,499	957,561	876,617	80,944
Community Care	23,368,241	19,104,491	18,739,665	364,826
Children's Services	6,290,029	4,628,259	4,508,211	120,048
Criminal Justice Unit	22,967	16,661	29,902	(13,241)
Housing	2,312,788	1,715,447	1,571,334	144,113
Schools	39,296,799	29,490,074	28,732,520	757,554
Train Shetland (inc Adult Learning)	605,876	482,656	445,897	36,759
Community Work	366,127	276,570	257,885	18,685
Sports & Leisure	1,793,009	1,357,294	1,255,421	101,873

<u>Revenue Expenditure by Subjective</u>	Annual Budget	Year to Date Budget	Year to Date Actual	Year to Date Variance Including Savings (Overspend)/Underspend
	£	£	£	£
Employee Costs (sub total)	67,312,965	50,298,822	49,056,120	1,242,702
Basic Pay	49,533,624	36,981,132	36,731,792	249,340
Overtime	374,323	287,456	380,355	(92,899)
Other Employee Costs	17,405,018	13,030,234	11,943,973	1,086,261
Operating Costs (sub total)	14,928,012	11,044,654	10,313,287	731,367
Travel & Subsistence	2,488,338	1,834,537	1,649,649	184,888
Property Costs	5,960,790	4,450,205	4,323,807	126,398
Other Operating Costs	6,478,884	4,759,912	4,339,830	420,082
Transfer Payments (sub total)	7,958,539	6,135,100	6,191,163	(56,063)
Income (sub total)	-13,354,561	-8,021,540	-7,712,995	(308,545)

TOTAL	76,844,955	59,457,036	57,847,574	1,609,462
--------------	-------------------	-------------------	-------------------	------------------



REPORT

To: Services Committee

3rd February 2011

From: Service Manager Criminal Justice

Report No: SC-02-11-D1

**Criminal Justice and Licensing (Scotland) Act 2010.
New Community Payback Order**

1. Introduction

- 1.1 This report is in response to the implementation of the Criminal Justice and Licensing (Scotland) Act 2010, which introduces significant changes to community-based sentences in Scotland. This report will advise Members of the changes and implications for Shetland.

2. Link to Council Priorities

- 2.1 Shetland Islands Council is committed to ensuring the community live their lives safe from crime, disorder and danger.

3. Risk

- 3.1 As this report is for noting there are no specific risks. However, if the Shetland Islands Council fails to make preparations for the commencements of the Community Payback Order then this could affect future funding from the Northern Community Justice Authority and cause reputational damage to the Council.

4. Background

- 4.1 The Criminal Justice and Licensing (Scotland) Act 2010 has introduced several changes to sentencing law in Scotland. In an attempt to create a more transparent and understandable community based sentencing system, the Scottish Government has reviewed the way individuals are sentenced in Scotland and have introduced some radical changes to community based sentences.
- 4.2 Currently, an individual appearing in Court can be sentenced to a Probation Order, Community Service Order or a Supervised Attendance Order. As of 1st February 2011, these three sentences

will no longer exist for new offences and will be replaced with a new Community Payback Order (CPO). As the CPO can only be imposed for crimes committed after 1st February the old sentences will remain in force for several years. This will result in criminal justice social work services having to operate two parallel systems.

4.3 Other existing court orders such as the drug treatment and testing order and the restriction of liberty order (electronic tagging) - remain unchanged.

4.4 A Community Payback Order provides Sentencers with a menu of nine options from which they can impose one or more requirements.

The requirements are:

- o Unpaid work or other activity requirement;
- o Offender Supervision requirement
- o Compensation requirement
- o Programme requirement;
- o Mental Health Treatment requirement;
- o Drug treatment requirement;
- o Alcohol treatment requirement;
- o Residence requirement;
- o Conduct requirement.

4.5 The criminal justice social worker will continue to assess an offender's suitability for a community based disposal and will make recommendations to the Sentencer on the most appropriate requirements to impose. This will ensure that offenders continue to receive a sentence that will challenge and assist them in changing their offending behaviour and enable some to make reparation to the community through unpaid work.

4.6 Alongside the introduction of the Community Payback Order, provisions have also been agreed to introduce a presumption against prison sentences of 3 months or less. Courts will still be able to imprison an offender for 3 months or less, but will be required to explain why they consider it necessary instead of using an alternative.

5. Key Changes for Service Delivery

5.1 The main change for service delivery in Shetland is the new requirements for the delivery of the unpaid work or other activity requirement of a CPO. In order to make this sentence more robust, immediate and visible, offenders have to commence work placements within 7 days and complete their unpaid work hours within a shorter time scale.

5.2 At present unpaid work hours are to be completed within a 12 month period, this has now been changed to 3 months for 20 to 100 hours, known as a Level 1 requirement and 6 months for 101 to 300 hours, known as a Level 2 requirement.

- 5.3 The offender now also has the opportunity to complete a percentage of their unpaid work undertaking other activities that will enable them to address their employability / literacy needs. This is seen as a very positive change as it will hopefully encourage more offenders to seek employment either during or after their sentence has ended.
- 5.4 The Council also has a statutory duty to consult the community on the work undertaken by offenders subject to unpaid work and this is then reported to the Northern Community Justice Authority (NCJA) on a six month basis.
- 5.5 The remainder of the requirements are already present in one form or other and there will be no significant changes to the offending programme work undertaken or the supervision of offenders.
- 5.6 As well as the introduction of the CPO, the Scottish Government has also revised the current but outdated National Standards and Objectives for Criminal Justice Social Work. As of the 1st February, these will now be known as the National Standards and Outcomes for Criminal Justice Social Work. Regular reports are provided to the NCJA on our ability to meet these standards. This will mean some minor changes to the way the service works but it must be said that the new standards now reflect the good practice of criminal justice social work throughout Scotland.
- 5.7 Another significant change to practice is in the form of the new Criminal Justice Social Work Report that will replace the Social Enquiry Report. The report will continue to assist the Sheriff with appropriate sentencing options but will have a greater emphasis on offence analysis and risk assessment. Shetland Islands Council Criminal Justice Service has always received very good feedback for the quality of reports from external inspections, so apart from having to get used to the new template, the refocusing of attention on analysis and risk will not be too different to current practice.

6. Challenges for Service Delivery

- 6.1 The main challenge for criminal justice social work services in Shetland and throughout Scotland will be the reduction in time to complete unpaid work. At times, it is a struggle to get offenders to complete their hours in 12 months so 6 months may prove extremely difficult. Some internal changes have been introduced to the way the community service scheme is operated to increase monthly hours by approximately 100 and this will assist. However, the greatest challenge will be those out with the Council's control such as offenders failing to attend, sickness and substance misuse issues.
- 6.2 There is also uncertainty as to how many Level 1 requirements will be imposed and this may result in an increase in offenders undertaking unpaid work and therefore place a greater burden on the scheme.

- 6.3 Some of the solutions being investigated at present are the possibility of increasing individual placements where offenders are supervised directly by the beneficiary rather than supervised by criminal justice staff. The ability to meet the targets will be closely monitored and can be reported back to Council through the Performance Management Reports.
- 6.4 The collection of statistical data will become increasingly difficult whilst there is a need to operate two separate systems. The current computer system is only set up for the old sentencing structure and IT providers of SWIFT have no date for when the system will be ready to collate the new sentence. The larger authorities have to implement quite complicated sub systems to capture the data, whereas Shetland Islands Council will create a manual system.

7. Readiness for Implementation

- All relevant staff members have attended training in relation to the CPO, new national outcomes and standards and the new criminal justice social work report.
- Criminal Justice Social Work Reports are being introduced to the Court sitting on Wednesday 12th January.
- Clients are already signing their orders within 24 hours of appearing in Court and are given instructions to attend work placements within 7 days.
- Internal changes to the community service scheme have been introduced which will increase monthly hours.
- Enquiries are being made into individual work placements and the types of placements available. At present an offender cannot take away paid work from another person and work is focused on voluntary and community based projects such as churches, community halls etc. There is an intention to seek the views of the Unions on offenders assisting paid workers for the benefit of the community. An example of this could be helping the gardener at the flower park to tend to the gardens.
- There is in place strong working relationships with our colleagues in Adult Learning and the Community Alcohol and Drugs Service Shetland (CADSS) and there are established employability groups and literacy assessments in place. This will assist in providing other activities for offenders subject to unpaid work.
- New ways of advertising and consulting on the good work undertaken by offenders are being explored. However, this will include annual information letters to community councils and church groups on the amount and types of unpaid work undertaken in their communities and requesting feedback or suggestions for new projects.

- Systems are in place for monitoring and recording the Service's ability to meet the new standards and this information will be used to review service delivery.
- Information leaflets will be updated to reflect the new sentence by 1st February 2011.
- A simple IT programme will be created upon which statistical data can be manually recorded and collected. This will be in place for February 2011.

7.2 Further information on the Criminal Justice and Licensing (Scotland) Act 2010 can be found on:
<http://www.scotland.gov.uk/Topics/Justice/criminal-justice-bill>

8. Financial Implications

8.1 There are no financial obligations arising from this report.

9. Policy & Delegated Authority

9.1 All social work matters stand referred to the Services Committee. The committee has delegated authority to make decisions on matters within its remit and for which the overall objectives have been approved by the council, in addition to appropriate budget provision, in accordance to Section 13 of the Council's Scheme of Delegations.

10. Conclusion

10.1 Shetland Islands Council is prepared for the commencement of the new Community Payback Order and further updates will be included in annual Performance Management Reports.

11. Recommendations

11.1 I recommend that members of the Services Committee note the content of this Report.

Report No: SC-02-11-F

Ref: DM-02-11



REPORT

To: Services Committee

03 February, 2011

From: Head of Children's Services

YOUNG CARERS PROGRESS REPORT

1. Introduction

- 1.1 This Report is the third progress report since Services Committee on 2 September 2010, when it was decided (Ref. SC77/10) to include Young Carers as a standing item on the agenda. The report informs Members on progress to date.

2. Links to Corporate Policy

- 2.1 By identifying and appropriately supporting young carers, the Council and its partners will enhance young carers' opportunities to become successful learners, confident individuals, effective contributors and responsible citizens.
- 2.2 *Risks*
This report is for noting only so there are no direct risks. It should be noted however that providing appropriate resources to this group of children and young people carries significant risks across a range of factors such as political, social, legal and community.

3. Background

- 3.1 The report Young Carers CS-03-10-F was considered at Services Committee on 2 September 2010, and it was decided (Ref. SC77/10) that Young Carers should be a standing agenda item for Committee.
- 3.2 The above report stated that the identification of young carers is a problem both locally and nationally, as without appropriate identification it is very difficult to assess and meet the needs of young carers.
- 3.3 The report also highlighted a number of local issues which need to be progressed and progress on these is stated below.

4. Progress

- 4.1 There have been no new young carers identified since 2 September.

- 4.2 The research into identifying and seeking views of young carers is continuing to progress well. Unfortunately consultation with the young carers had to be postponed on two occasions in December due to adverse weather conditions. The support group, which will be used for the consultation, has been rescheduled to meet in February. The findings of the research will be available for Services Committee in March.
- 4.3 VAS' funding bid to the Big Lottery for a coordinator has passed Stage 1 and they are currently working on Stage 2 of the application process.
- 4.4 There has been no progress reported by the Scottish Government in relation to the report: "Getting it Right For Young Carers".

5. Financial Implications

- 5.1 There are no direct financial implications arising from this report. Any funding required can be met from within existing budgets.

6. Policy and Delegated Authority

- 6.1 All social work matters stand referred to the Services Committee. The Committee has delegated authority to make decisions on matters within its remit and for which the overall objectives have been approved by the Council, in addition to appropriate budget provision, in accordance with Section 13 of the Council's Scheme of Delegations.

7. Recommendation

- 7.1 I recommend that Services Committee note the content of this report.

Our Ref: SM/eal Report No: CS-09-11-F1



REPORT

To: Services Committee

3 February 2011

From: Head of Housing

Report No: HS-01-11-F

Consideration of Best Value & Benchmarking – Housing Services

1 Introduction

- 1.1 In Sept 2007, the Council's Housing Service was inspected by Communities Scotland.
- 1.2 In March 2008 (Min ref SC 25/08), Services Committee noted a post inspection plan. Section 1.1 of the action plan was a requirement for the Council to, "Analyse its cost information to allow it to demonstrate value for money and the cost of an effective Housing Service".
- 1.3 This report seeks to provide the latest analysis of benchmarking information and ask Services Committee to determine if the Housing Service is delivering value for money and so by definition an effective service.

2 Link to Council Priorities

- 2.1 Sustaining rural communities is a key Council priority contained in Section 1 of the Corporate Plan. Finding locally appropriate housing solutions by delivering a sustainable housing service will contribute to strong and vibrant rural communities.

3 Risks

- 3.1 There are no immediate risks associated with this report.

4 Background

- 4.1 Services Committee last considered the best value of the Housing Service in June 2008 (Min ref SC57/08). The original intention was to bring this report to Services Committee in November 2010. However, release of relevant statistical data by the Scottish Government was delayed. Hence, the delay to this report.
- 4.2 This report aims to build upon national data to assist Services Committee in deciding if the results achieved are proportional to the cost and so by the same consideration determine if best value is being achieved.
- 4.3 In order to make that comparison a number of key indicators are presented for consideration. These indicators go beyond the usual statutory performance indicators.
- 4.4 Members will know that the SIC Housing Service is struggling to meet the demands of homelessness legislation and increasing demand for social housing in Shetland. However, many of the factors are a result of national housing policy and so outside of the control of SIC. Therefore, this report asks Members to recognise that overall service provision is under a strain. This is likely no different to all other local authorities in Scotland and is unlikely to be resolved in the short to medium term.
- 4.5 However, this report seeks to provide analysis and comparison of areas that are under the direct control of SIC and so can be influenced by decisions relating to SIC resources.
- 4.6 All of the analysis considered below is set against a backdrop of increasing responsibilities to the homeless, changes to homeless legislation, changes to legislation regarding numerous housing related strategies and a diminishing SIC stock year on year as a consequence of Right To Buy (RTB).

5 Indicators offered for consideration

- 5.1 Supervision & Management Costs - SIC Housing Supervision & management costs at the end of 2009/10 were £463 per house. The estimated Supervision and Management cost for 2010/11 is £417 per house. These are currently the lowest unit costs in Scotland.¹
- 5.2 Rents – In 2001, SIC had the second highest average rents in Scotland. A series of efficiency measures were introduced to mitigate the impact of housing debt on tenant's rents:
 - 5.2.1 Since that time as a direct result of efficiencies, SIC has been able to deliver inflation only rent increases each year since 2001. As far as we are aware no other local authority has done this.

¹ Figures quoted in the HRA Annual Return for Scottish Government, provided by SIC Finance

- 5.2.2 Since 2001, SIC have been slipping down the average rent tables and are now 4th. However, it should be noted that in the same period Glasgow and Inverclyde transferred their housing stock. Both of those authorities had higher rent than SIC. Therefore, if Glasgow and Inverclyde had retained their housing stock as a direct comparison with 2001, SIC would have been 6th.
- 5.2.3 Since 2001, the gap between rents in other local authorities and SIC has been getting smaller. Thus, if we can retain control on rents the likelihood is that SIC will slip further down the rent tables in the short to medium term.
- 5.2.4 In 2009/10, the highest rent increase was 17.3% in Orkney, now an average of £49.51 per week compared with SIC at £56.98. The increase in Shetland was 3.59% and the average across Scotland 4.67%. Therefore, rental increases in Shetland are below average.
- 5.3 Ratio of Staff to Stock – It is sometimes said that SIC carries too many staff compared with other Councils. It is hoped that the unit costs discussed in 4.1 & 4.2 show that this is not necessarily the case with housing services. However, as a further check the ratio was compared with other local authorities and Registered Social Landlords (RSLs). The higher the ratio the more efficient the service. These figures are not readily available for all Council's and so a selection of larger and smaller authorities was obtained for comparison. Note: the figures used below are a guide and indicator only and cannot be a direct comparison as structures within organisations vary. However, it does give a measure of efficiency in relative terms.
- 5.3.1 Not all councils or RSLs directly employ housing support workers or DLOs and so these staff are excluded from the tables below. However, using all other staff in administration, housing management, strategy and technical some ratio's are shown for comparison in the table1 below.

Table 1

Housing Organisation	Stock to Staff Ratio (houses managed per member of staff)
Average for the RSL sector (Scotland)	46.60
Hjaltland Housing Association	25.23
Shetland Islands Council	44.12 (1 st)
Highland Council	26.16 (3 rd)
Orkney Islands Council	38.90 (2 nd)

- 5.3.2 It can be seen in 5.3.1 that compared to the RSL average and our nearest neighbouring local authorities the ratio of stock to staff is favourable in Shetland. This means that for each member of staff, SIC is managing more houses than other comparable organisations. It should also be noted that for local authorities these figures includes staff employed producing strategy documents and managing homeless services (statutory duties) which are not undertaken by RSL's. Also, in the case of local authorities, the number of houses used for temporary houses is excluded from the calculation of these figures. If these were factored back in, the ratio's for local authorities would be improved further.
- 5.3.3 On the other hand, the ratio in Orkney might be expected to be lower as they have less stock than Shetland and so they are less able to benefit from any economy of scale. The same is true comparing Shetland with Highlands Council as Highland have a much larger stock than Shetland. However, considering the Highlands Council stock is many times larger than Shetland and so should benefit from economies of scale, I would respectfully suggest that the differing ratio is very favourable for SIC.
- 5.3.4 Taking into account all of these figures and in particular the RSL average, it is respectfully suggested that SIC has less staff than might be expected for a stock of its size.
- 5.4 Quality Management Systems – The Housing Service has been operating a Quality Management System (QMS) since 2001. However, this was formally accredited in 2005 against the criteria of ISO 9001: 2000. The ISO accreditation assesses the quality of the housing service in terms of meeting customer requirements through having documented procedures setting out strategic and operational objectives and processes. This is an internationally recognised quality accreditation verified and tested by an outside agency. Thus it provides external verification that quality standards are reached and maintained.
- 5.4.1 This accreditation has been renewed by inspection in every year since 2005, using a system of internal and external audit and recently upgraded to the ISO9001:2008 standard.
- 5.4.2 This includes the use of tenant representatives, trained by SIC to participate in this process.
- 5.4.3 Other parts of SIC have achieved ISO 9000 accreditation. However, as far as we are aware, SIC is the only local authority in Scotland to achieve ISO status across all of its Housing Services.

- 5.5 Rental loss due to empty properties – The table below sets out the level of rent lost due to empty properties in recent years:

Financial Year	Rental loss £	Rental loss %
2004/05	£283,307	5.4%
2005/06	£212,446	4%
2006/07	£172,796	3.2%
2007/08	£158,183	3%
2008/09	£122,248	2.3%
2009/10 (estimate)	£103,968	1.9%

- 5.6 Housing Repair and Renewal Account (Hsg R&R) – the Housing R&R fund was established to assist with the balancing of the Housing Revenue Account (HRA) in the face of the housing debt.

5.6.1 In 2001/02 reserves within the housing R & R fund stood at £8.25m.

5.6.2 On the 1st April 2010 reserves within the housing R & R fund stood at £10.6m. In June 2010, Members agreed to allocate 100% of this Reserve to the new build housing programme.

- 5.7 Housing Debt – SIC has the largest pro rata housing debt in Scotland. As stated in 5.1 above the Housing Service has worked to reduce its operating costs to try and ensure that this debt burden has the minimum impact on tenants through their rents. SIC are committed to spending £10m on new house building. Therefore, debt levels can be expected to increase.

5.7.1 In 2001/02 the Housing debt stood at £56m.

5.7.2 In 2009/10 the housing debt is estimated at £42.7m.

5.7.3 In June 2010, the Council agreed that it may be necessary to borrow further to meet the cost of the approved new build programme, depending on the position with Housing Support Grant and other factors.

- 5.8 Customer satisfaction – Delivering emotive services like housing during a period of short supply it becomes inevitable that many will be dissatisfied with the level of service the Council can provide. This is reflected in the many cases highlighted in the press and through the complaints procedure where many applicants have to endure a far longer wait than we would like to receive a suitable allocation. There is a perception in some areas that we have houses available and somehow we seek to withhold such properties from individuals who genuinely feel they have a right to allocations.

This viewpoint often does not take into account the wider legislative requirements placed upon the Council and so included in SIC policy.

Year	Number of Complaints
2008/09	23
2009/10	25
2010/11 (to January 2011)	27

- 5.8.1 As a result there have been many complaints and investigations carried out as a result of applicants claiming unfair or improper delivery of services. Many consider the practical consequences of such legislation as unfair or unjust and project this feeling onto the housing service and its staff. However, this is a separate issue and not a genuine measure of performance of the housing service.
- 5.8.2 The Communities Scotland inspection team reviewed all of these cases in 2008. Since then, other complaints have been investigated independently of the Council by outside agencies and individuals including the Ombudsman. It remains the case that many complainants and critics only see a part of the picture. All of these enquiries have not identified one single case where allocations have not been made fairly / properly as dictated by housing legislation.
- 5.8.3 The Housing Service also receives anonymous complaints as exemplified below from 2010:
- 5.8.3.1 *“Why is the houseolder at xx Street allowed to rent her SIC house out for £200 per week to workmen when so many are waiting for houses?”;*
- 5.8.3.2 *“I am very concerned about the way the housing service is run.....A house in xx Street was supposed to be coming up for rent at No xx. The woman there has been claiming full benefits and tax credits but works at xxx about 40 hours per week – mainly nights and gets cash in hand.....”*
- 5.8.4 The households complained about in 5.8.3 are not Council houses. This clearly shows that many complainants do not know what they think they know and the staff within Housing services have to work even harder to overcome the reputational damage resulting from this type of myth.
- 5.8.5 In any event as part of our annual review of services we have carried out surveys to measure the level of satisfaction amongst existing tenants. In 2009 the satisfaction level was 82% as satisfied or very satisfied. In 2006 the satisfaction level was 80% as satisfied or very satisfied.

- 5.8.6 All of this does not in any way suggest that the Housing Service is free from complaint. On the contrary we do receive complaints and some of these are upheld where we fail to deliver services of the required standard. The Housing Service does have a formal complaints procedure as part of its quality management system. This supplements the formal SIC complaints procedure. Communities Scotland found that, *"it (SIC) is responsive to service user's complaints"*;
- 5.8.7 Communities Scotland also found that, *"Tenants and tenants' groups we spoke to were also positive about the areas they lived in and about the Council services they received.....tenants were positive about the participation process, the quality of the housing management services tenants received and the Council's willingness to listen and respond to their views, in particular on local issues"*:
- 5.9 Demand for Services – As stated above, the current performance of the Housing Service is set in a context of greater statutory demand for homeless services, increasing demand for general provision and a reducing stock through RTB.
- 5.10 Areas for improvement - The service planning, Audit & Scrutiny, and statutory inspection process have all identified areas where the service needs to improve its performance. These have all been presented to Council at some time or another and so it is not intended to repeat all of those action plans in this report.
- 5.11 However, by way of well publicised example, there is recently one key area where SIC Audit & Scrutiny identified the Housing Service were not performing well in relation to re-letting houses that were not low demand. This led to the significant improvement detailed on page nine of Appendix 1.
- 5.12 Further benchmarking data comparing SIC with other local authorities is attached as Appendix 1 for consideration. This Appendix 1 benchmarks performance between years but also between local authorities. It can be seen that in many areas, SIC performance is ahead of others. Where SIC is not top performer, the performance is comparable with other local authorities and in most cases improving. All of this at a fraction of the cost compared to other local authorities.

6 Financial Implications

- 6.1 There are no direct financial implications from this report

7 Policy & Delegated Authority

- 7.1 The Services Committee has delegated authority to make decisions on matters within its remit for which the overall objectives have been approved by the Council, in addition to appropriate budget provision, in accordance with Section 13 of the Council's Scheme of Delegation.

8 Conclusions

- 8.1 In the context of best value, the high level indicators set out in section 5.0 and Appendix 1 of this report, give a review of performance of the housing service for Members to consider. There is evidence of continuous improvement and delivery of efficient and best value services.

9 Recommendation

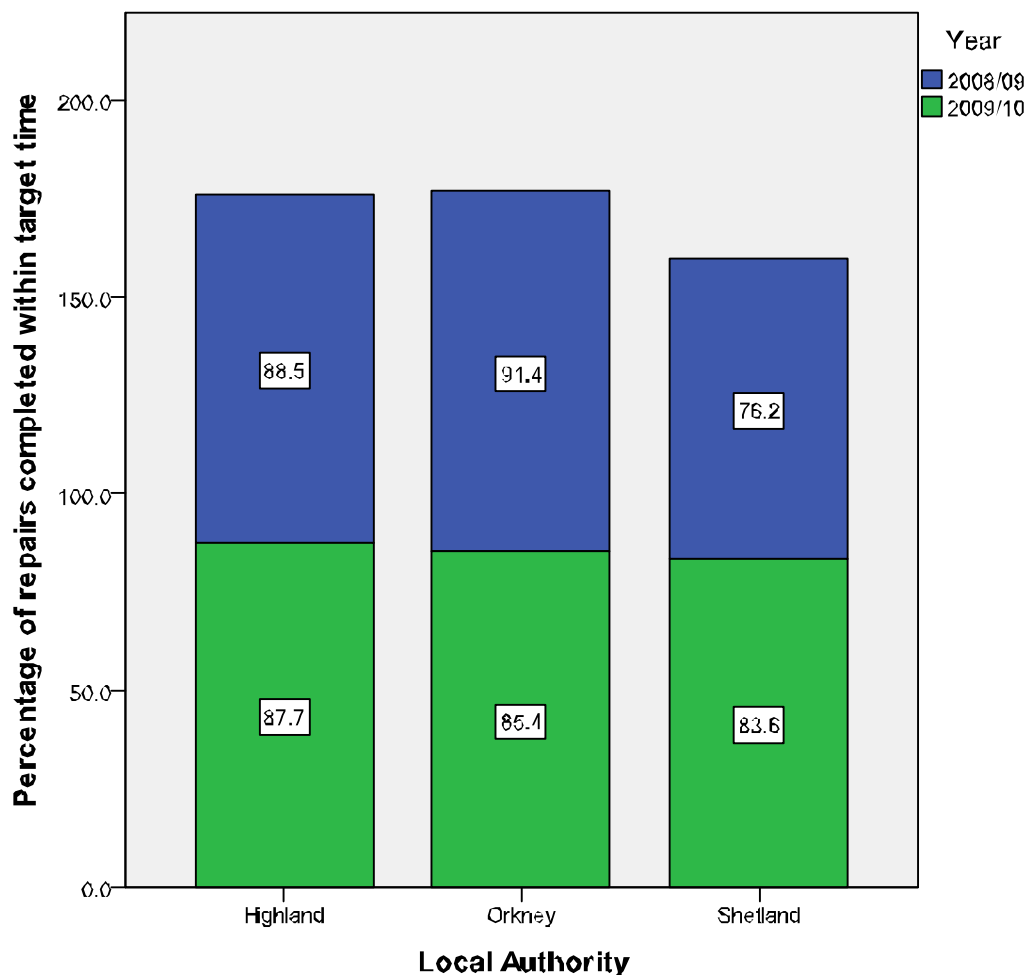
- 9.1 I recommend that Services Committee note the content of this report.

Date: 3 February
Our Ref: CM/LJ

Report No: HS-01-11

Shetland Islands Council

Benchmarking Performance
2008/09 and 2009/10



All Repairs completed within target time.

Performance Improved.

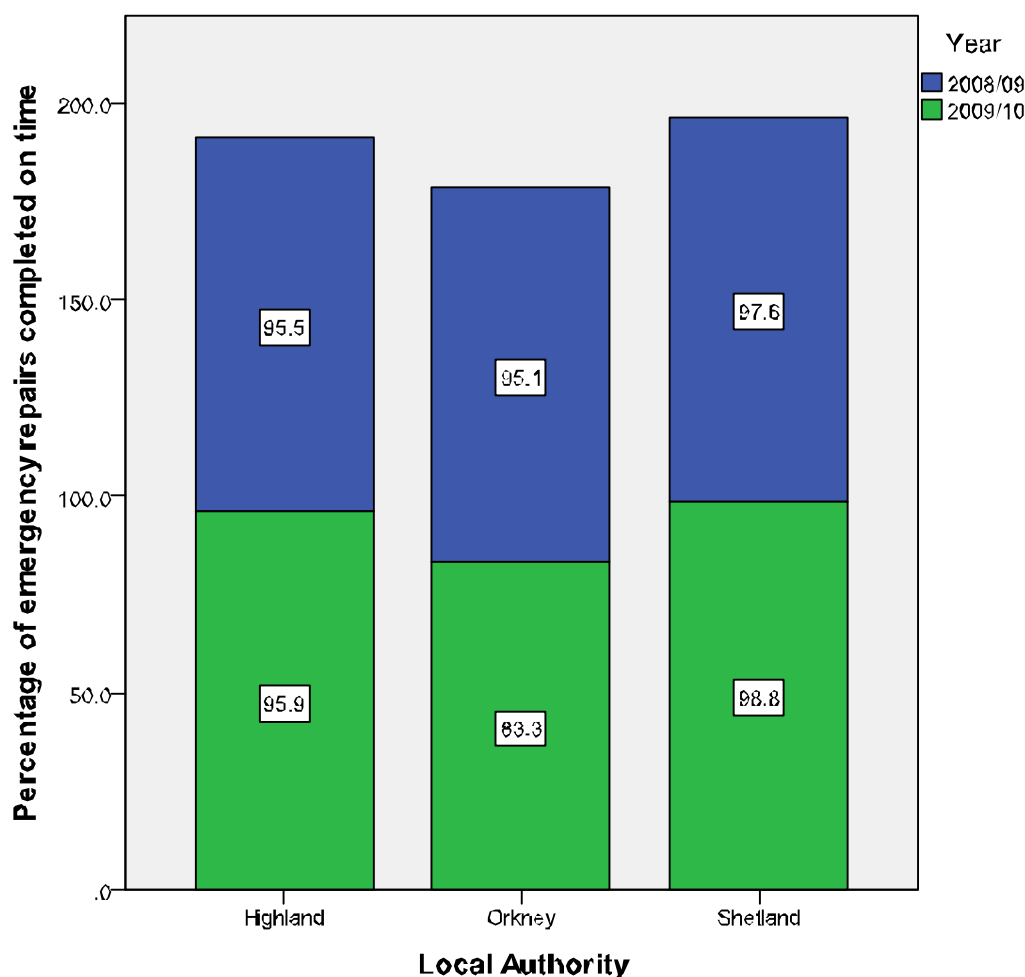
Shetland performance improved 7.4% between 2008/09 and 2009/10.

Ranking 2009/10:

1. Highland 87.7%
2. Orkney 85.4%
3. **Shetland 83.6%**

Further Context:

Highland carry out over 36,000 repairs each year. In Shetland around 8,000 repairs are carried out and in Orkney between 1,100 and 1,300 repairs are carried out each year.



Emergency repairs completed within target time.

Performance Improved.

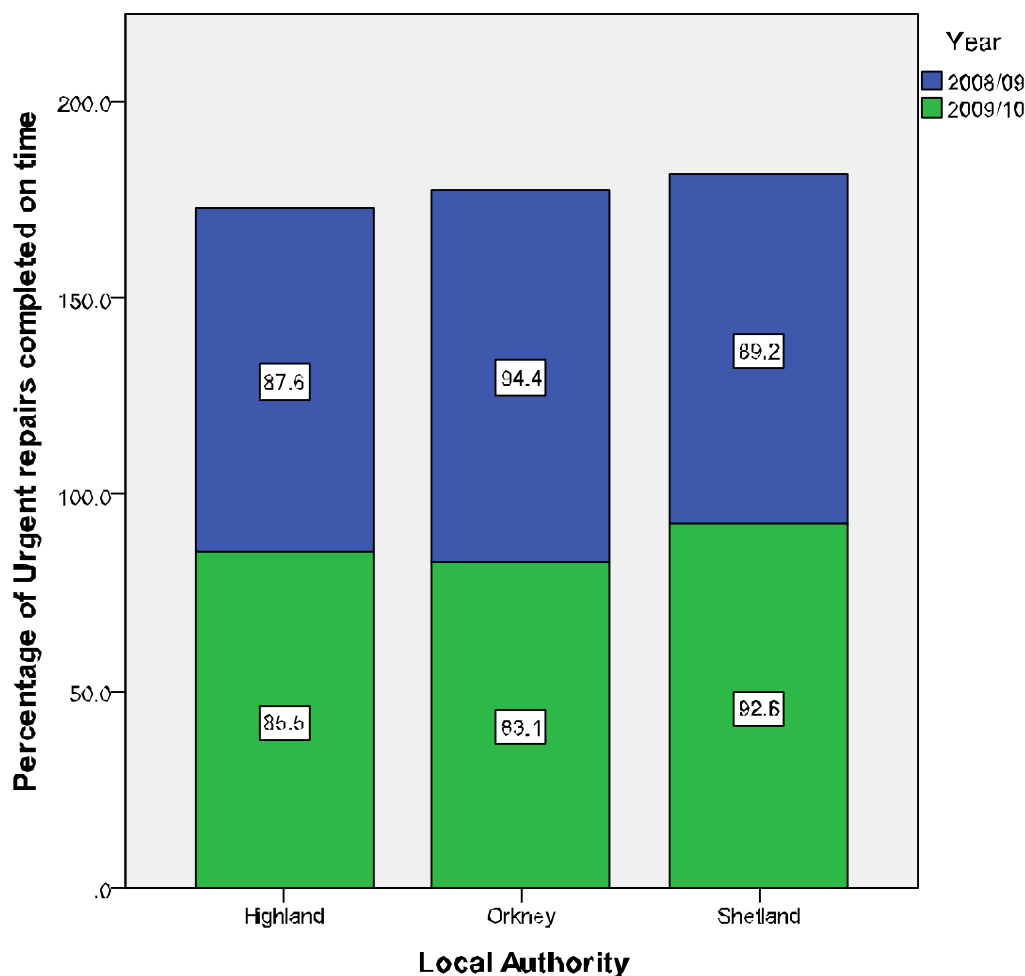
Shetland performance improved 1.2% between 2008/09 and 2009/10.

Ranking 2009/10:

1. **Shetland 98.8%**
2. Highland 95.5%
3. Orkney 83.3%

Further Context:

Around 25% of all 2009/10 repairs in Highland were emergencies. This reduces to 19% in Orkney and 16% in Shetland.



Urgent repairs completed within target time.

Performance Improved.

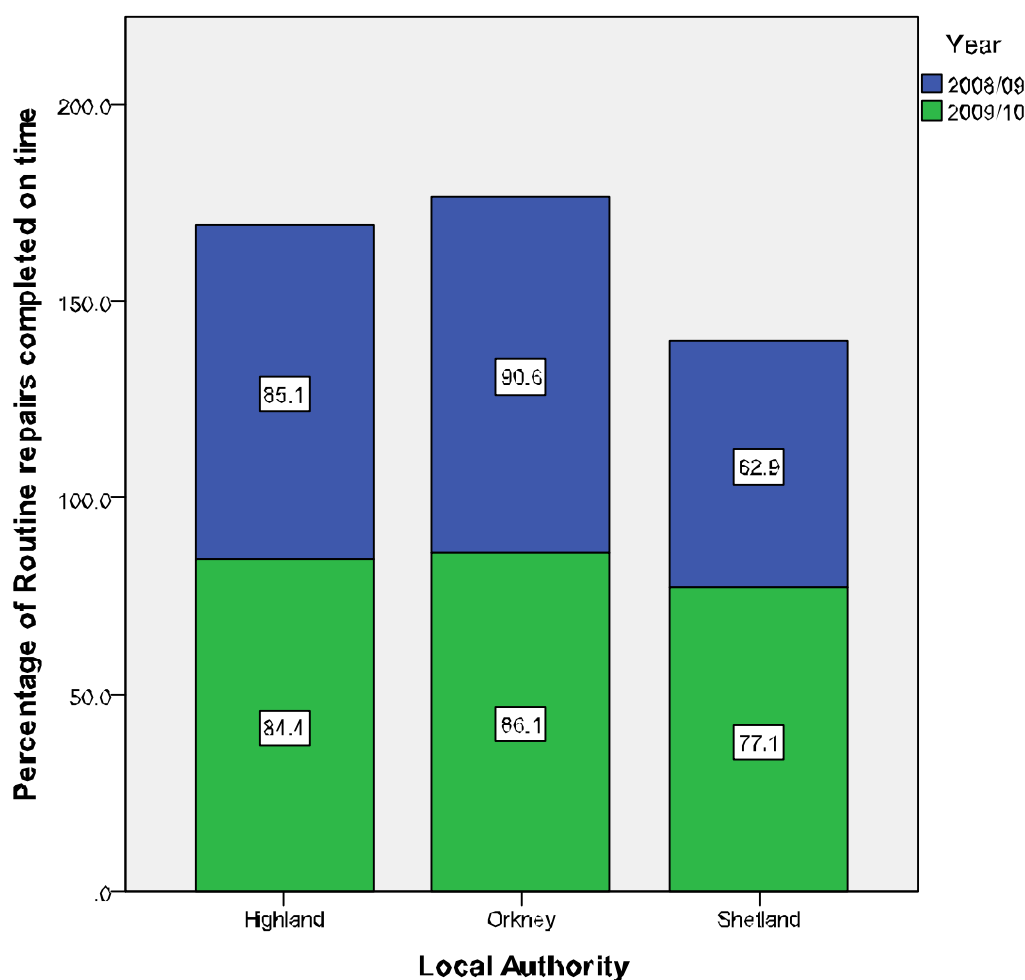
Shetland performance improved 3.4% between 2008/09 and 2009/10.

Ranking 2009/10:

1. **Shetland 92.6%**
2. Highland 85.5%
3. Orkney 83.1%

Further Context:

In 2009/10, 16% of all repairs were urgent in Orkney and Shetland. 24% of all repairs in Highland were urgent.



Routine repairs completed within target time.

Performance Improved.

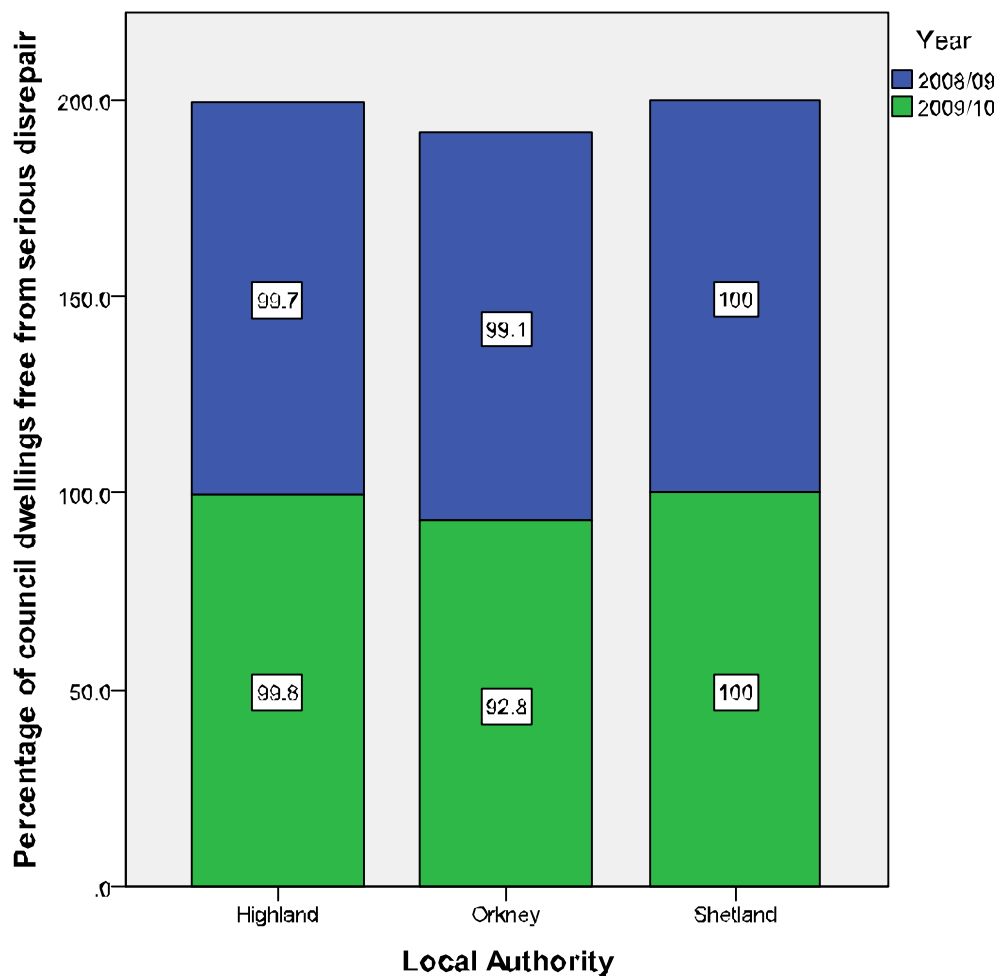
Shetland performance improved 14.2% between 2008/09 and 2009/10.

Ranking 2009/10:

1. Orkney 86.1%
2. Highland 84.4%
3. **Shetland 77.1%**

Further Context:

62.5% (710) of all 2009/10 repairs in Orkney were routine repairs. This figure reduces to 37.5% in Highland (14024) and 41% (3245) in Shetland.



**Meeting SHQS.
Dwellings free from
serious disrepair.**

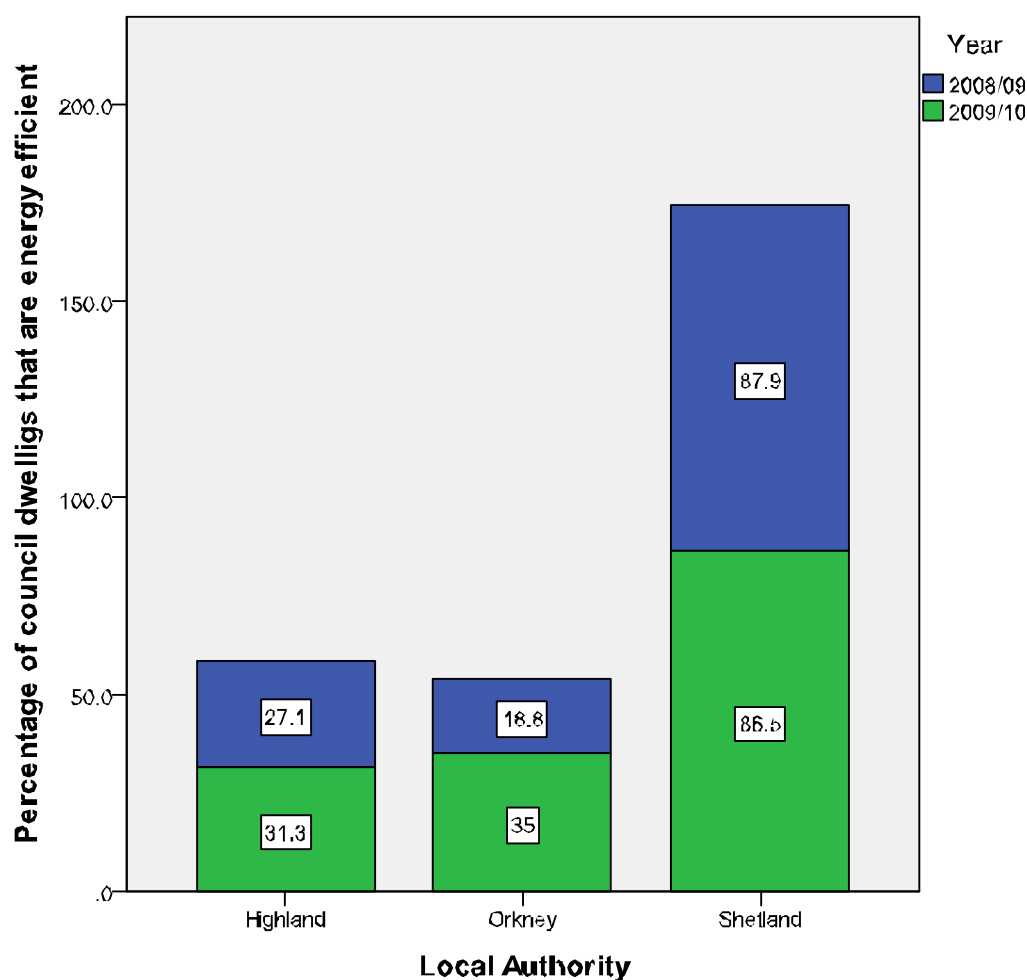
Performance Maximum.

Shetland report 100% of council dwellings free from serious disrepair in both 2008/09 and 2009/10.

Ranking 2009/10:

1. **Shetland 100%**
2. Highland 99.8%
3. Orkney 92.8%

Further Context:



**Meeting SHQS.
Dwellings that are
energy efficient.**

Performance Worsened.

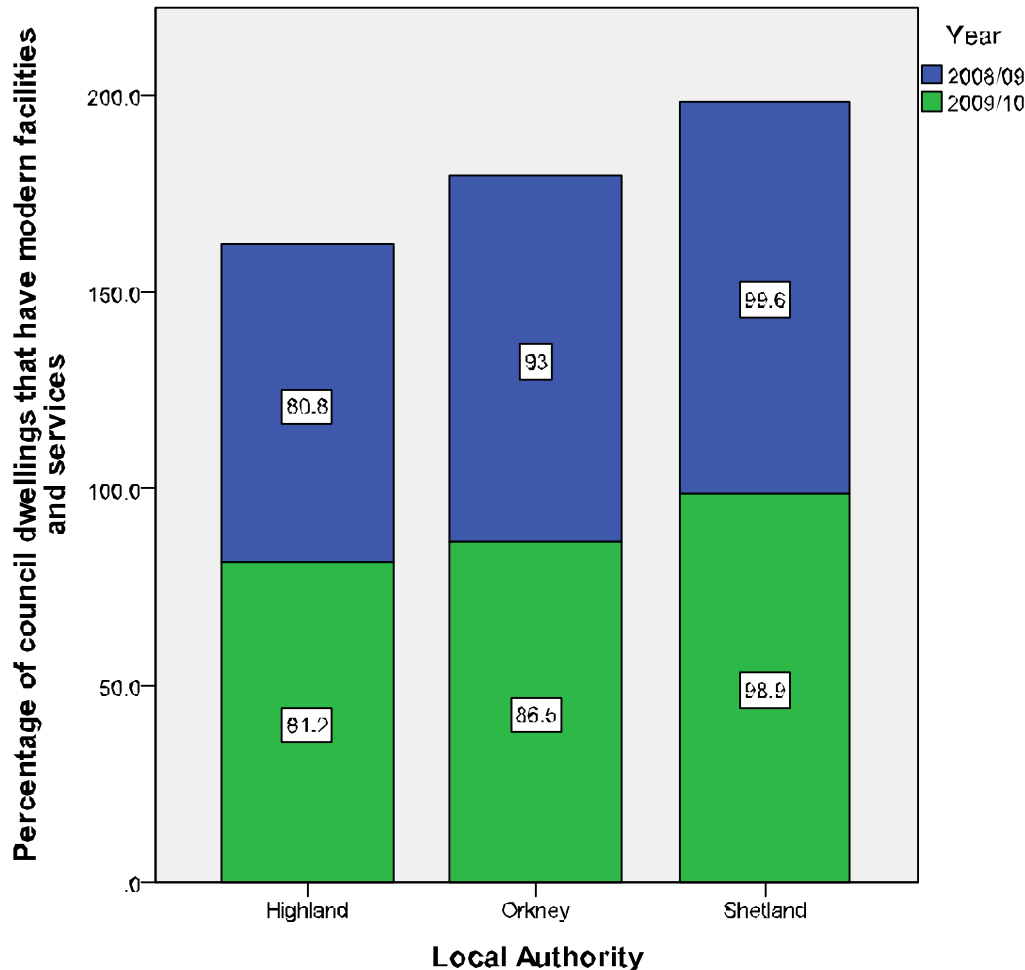
In Shetland there was a 1.4% decrease in energy efficiency in council dwellings between 2008/09 and 2009/10.

Ranking 2009/10:

1. **Shetland 86.5%**
2. Orkney 35%
3. Highland 31.3%

Further Context:

Even with a slight decrease in performance, Shetland achieves energy efficiency levels more than double that reported for Orkney and Highland.



Meeting SHQS. Dwellings that have modern facilities and services

Performance Worsened.

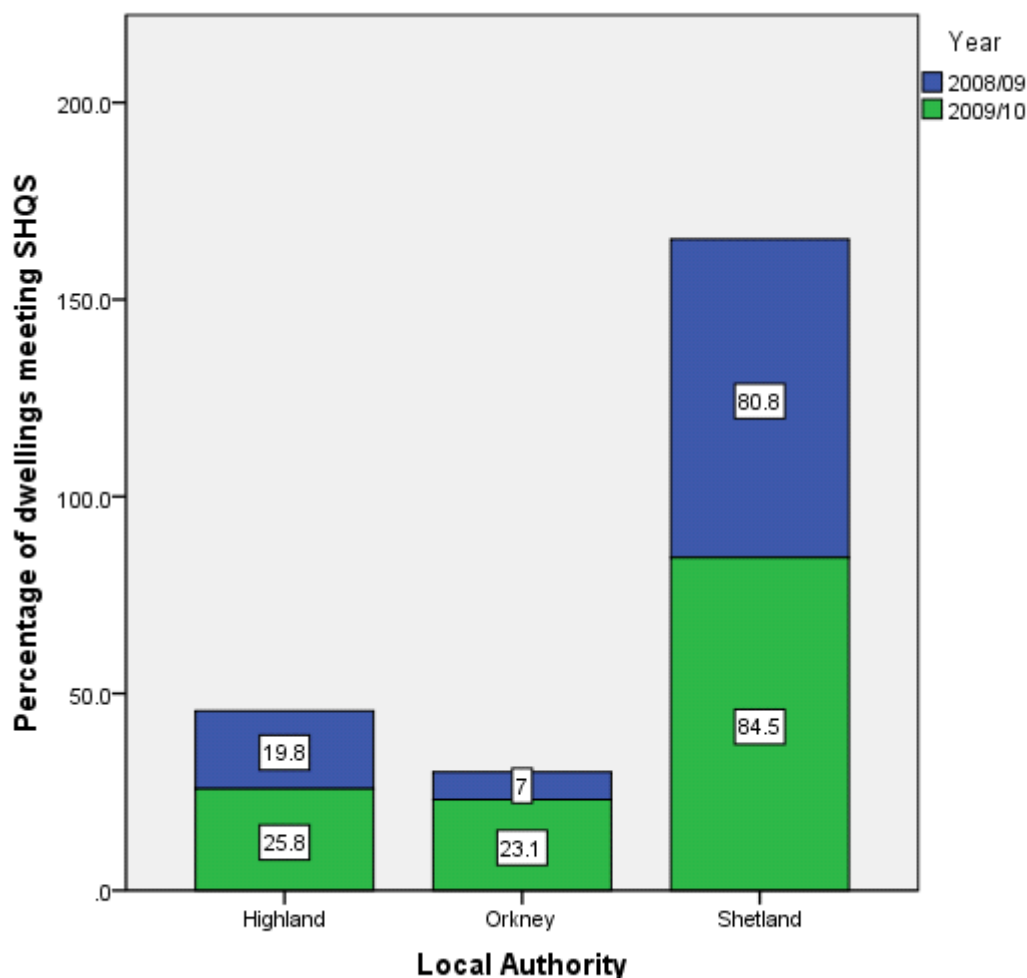
Shetland report a decrease of 0.7% between 2008/09 and 2009/10.

Ranking 2009/10:

1. **Shetland 98.9%**
2. Orkney 86.5%
3. Highland 81.2%

Further Context:

Performance in Shetland for modern facilities continues to be high in relation to Orkney and Highland.



Meeting SHQS. Dwellings that meet SHQS.

Performance Improved.

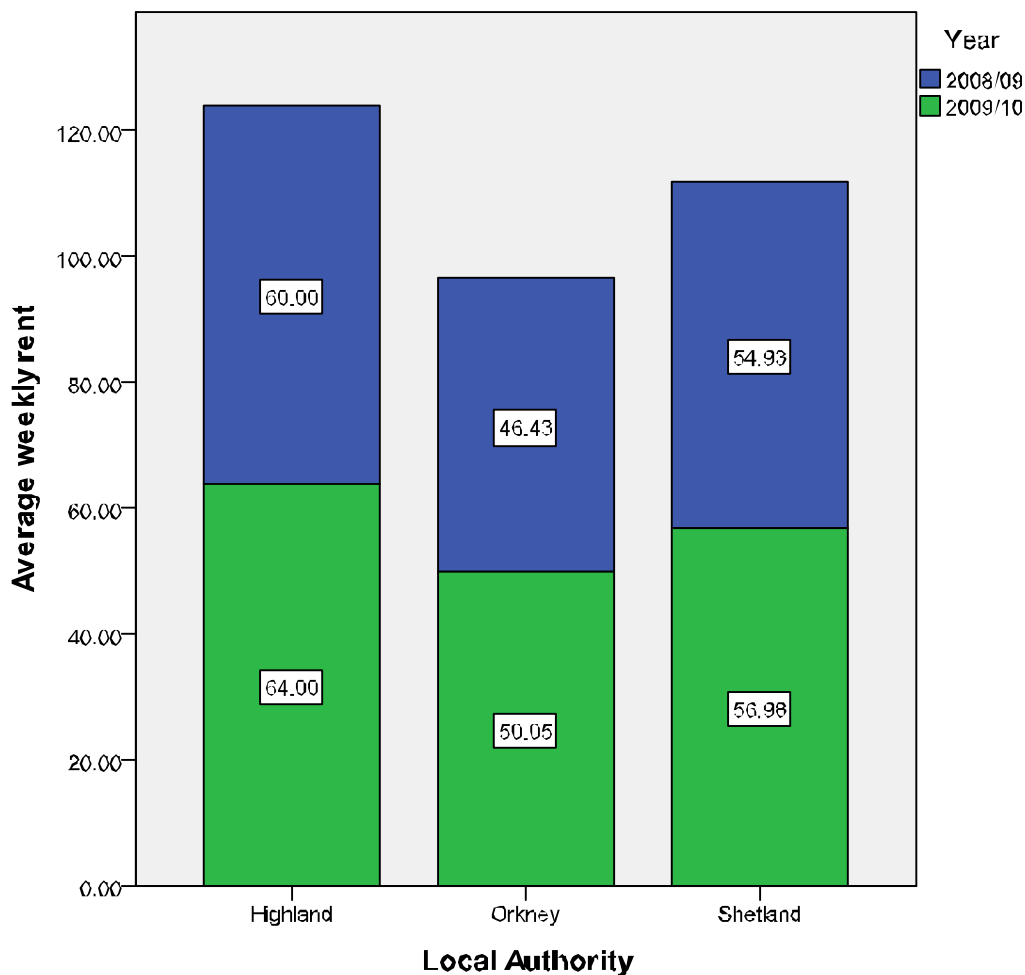
Between 2008/09 and 2009/10, there was a 3.7% increase in dwellings meeting all elements of the SHQS in Shetland.

Ranking 2009/10:

1. **Shetland 84.5%**
2. Highland 25.8%
3. Orkney 23.1%

Further Context:

Shetland continues to achieve a high level of performance for meeting all five elements of the SHQS.



Average weekly rent.

Performance Improved.

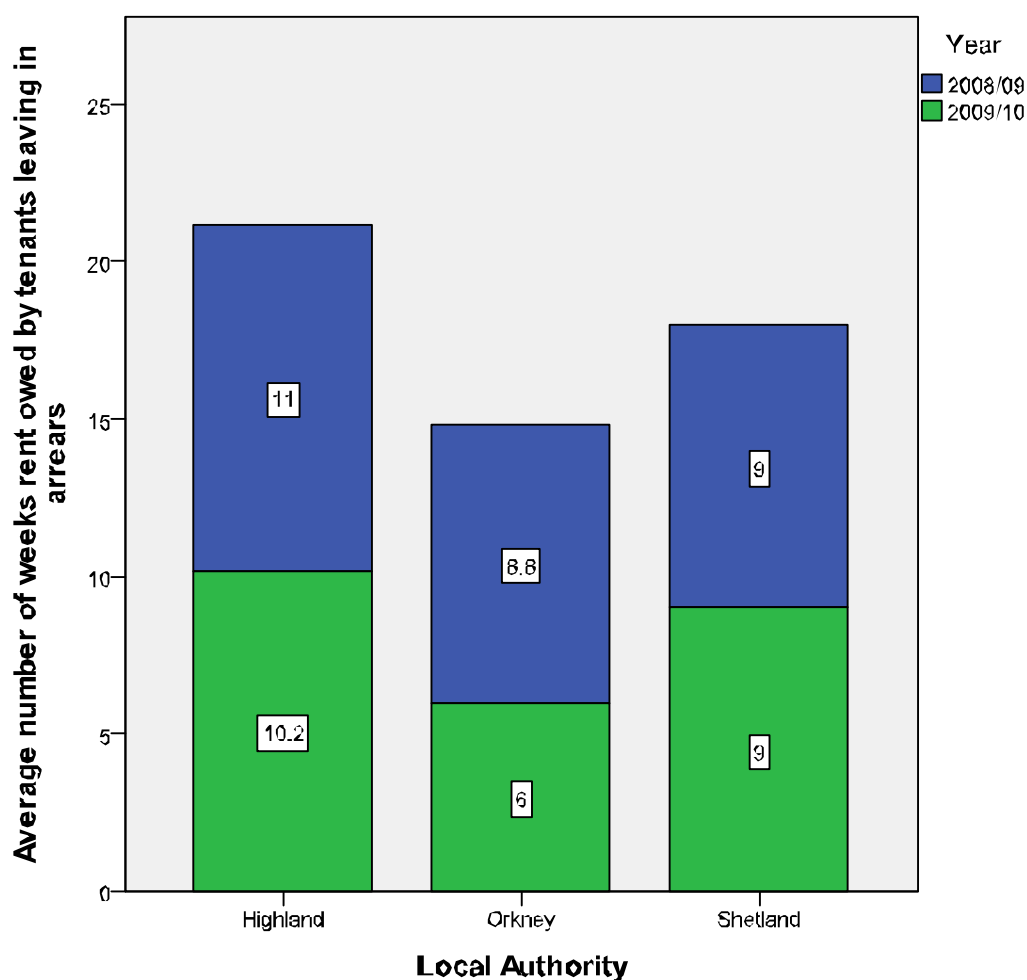
Shetland's average weekly rent increased £2.05 between 2008/09 and 2009/10.

Ranking 2009/10:

1. Shetland—£2.05
2. Orkney—£3.62
3. Highland—£4.00

Further Context:

Average rents in Shetland increased by £2.05. Average rents in Orkney increased by £3.62 and in Highland average rents increased by £4.00.



Average number of weeks rent owed by tenants leaving in arrears.

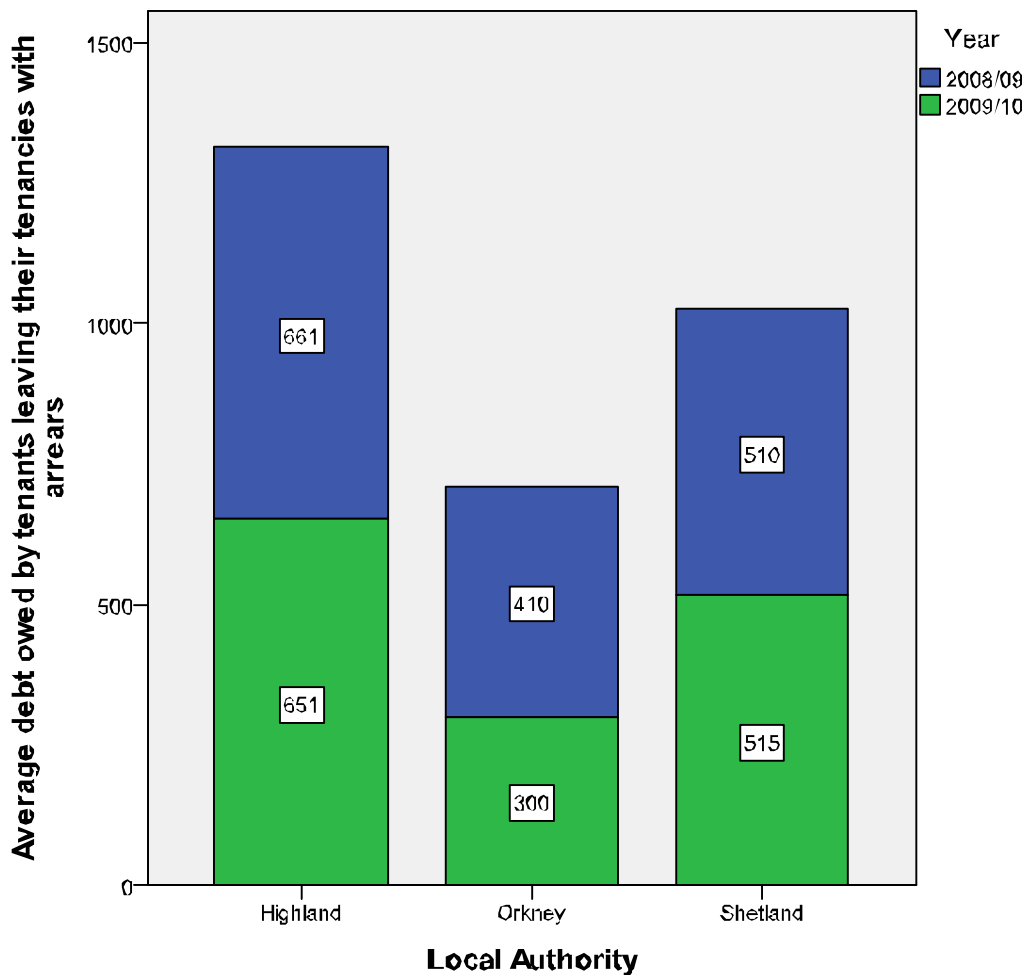
Performance stayed the same.

On average, 9 weeks rent was owed by tenants leaving in arrears for both 2008/09 and 2009/10.

Ranking 2009/10:

1. Orkney—6 weeks
2. Shetland—9 weeks
3. Highland—10 weeks

Further Context:



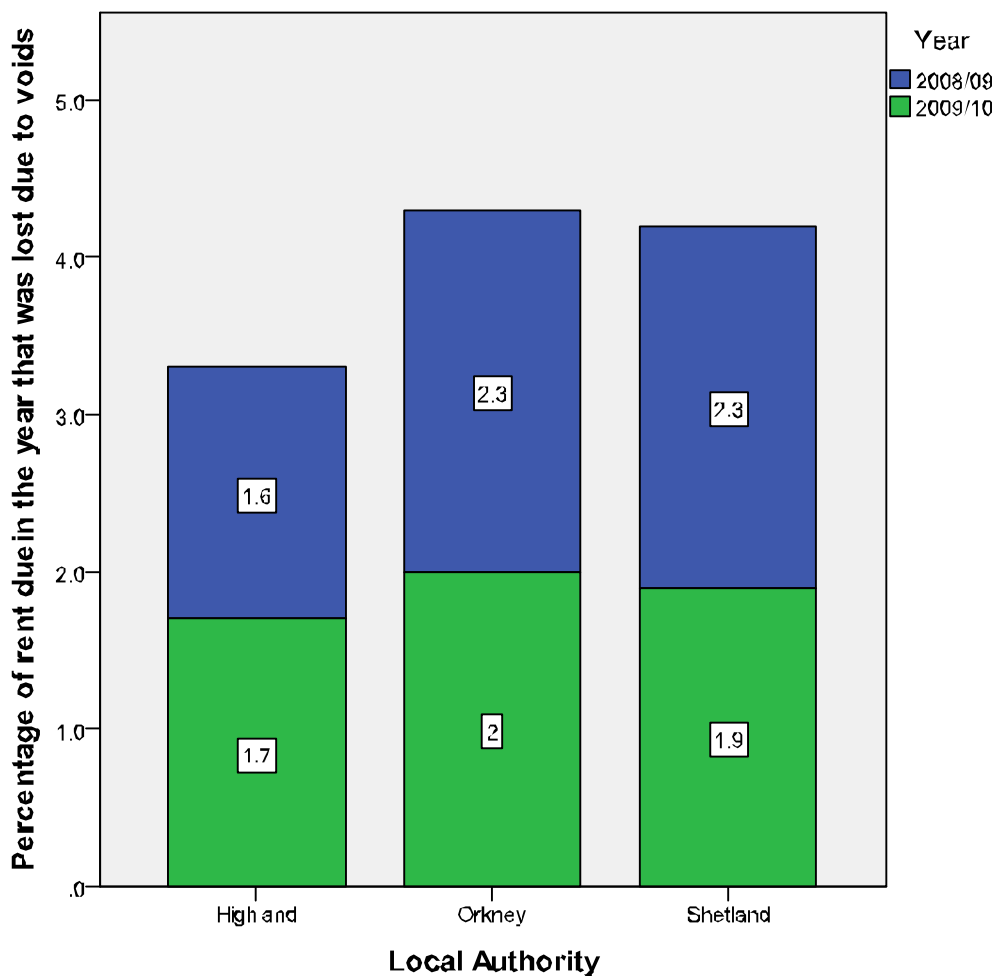
Average debt owed by tenants leaving in arrears.

Performance Worsened.

The average amount owed in Shetland increased by £5 (1%) between 2008/09 and 2009/10.

Ranking 2009/10:

1. Orkney—£300
2. **Shetland—£515**
3. Highland—£651



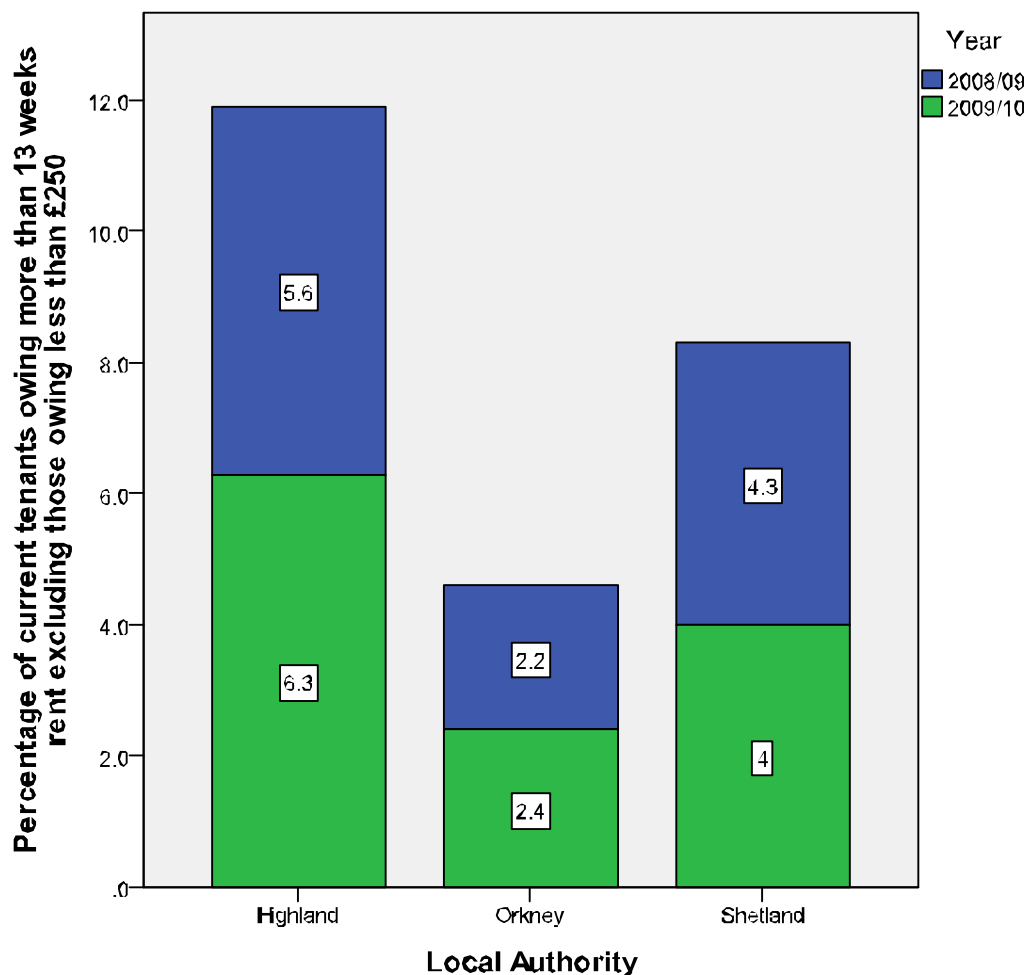
Rent due in year that was lost due to voids.

Performance Improved.

Between 2008/09 and 2009/10 performance improved by 0.4% in Shetland

Ranking 2009/10:

1. Highland—1.7%
2. **Shetland—1.9%**
3. Orkney—2%



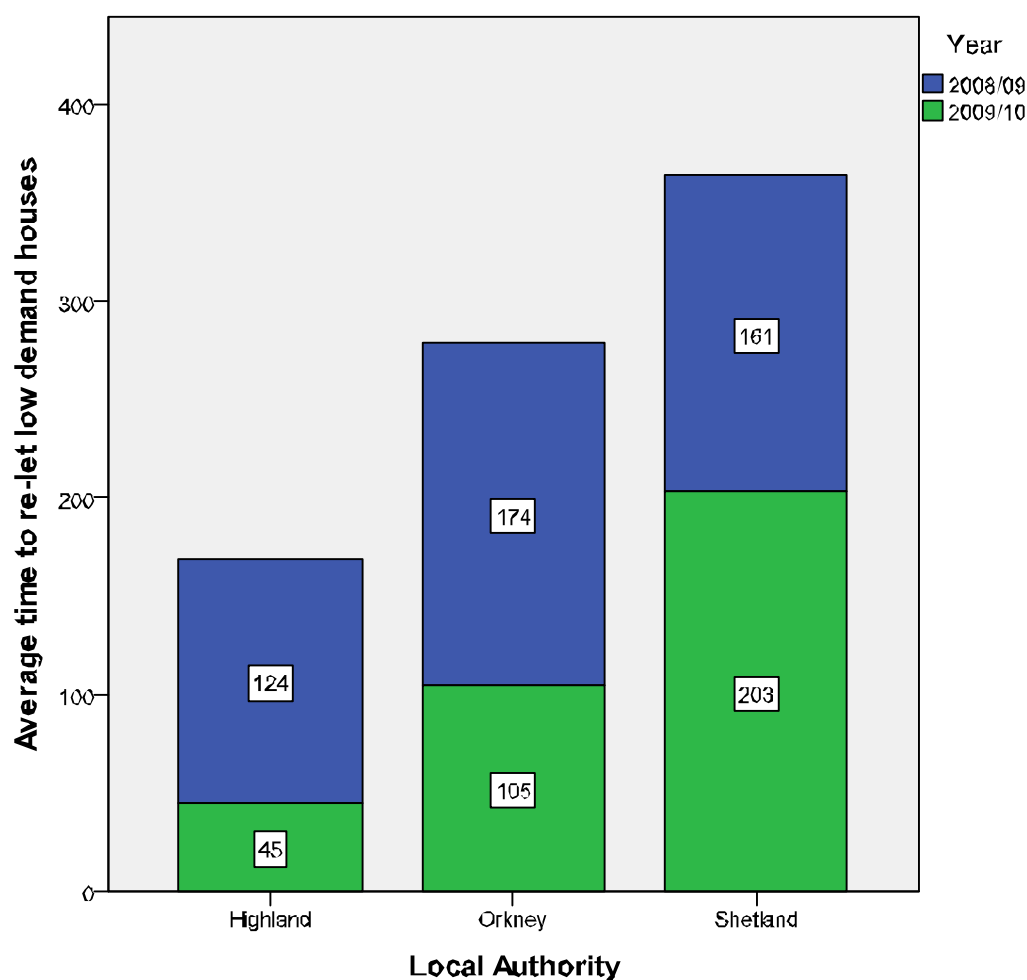
Current tenants owing more than 13 weeks rent

Performance Improved.

Between 2008/09 and 2009/10 performance improved by 0.3% in Shetland

Ranking 2009/10:

1. Orkney 2.4%
2. **Shetland 4%**
3. Highland 6.3%



Average time to relet low demand houses (days)

Performance Worsened.

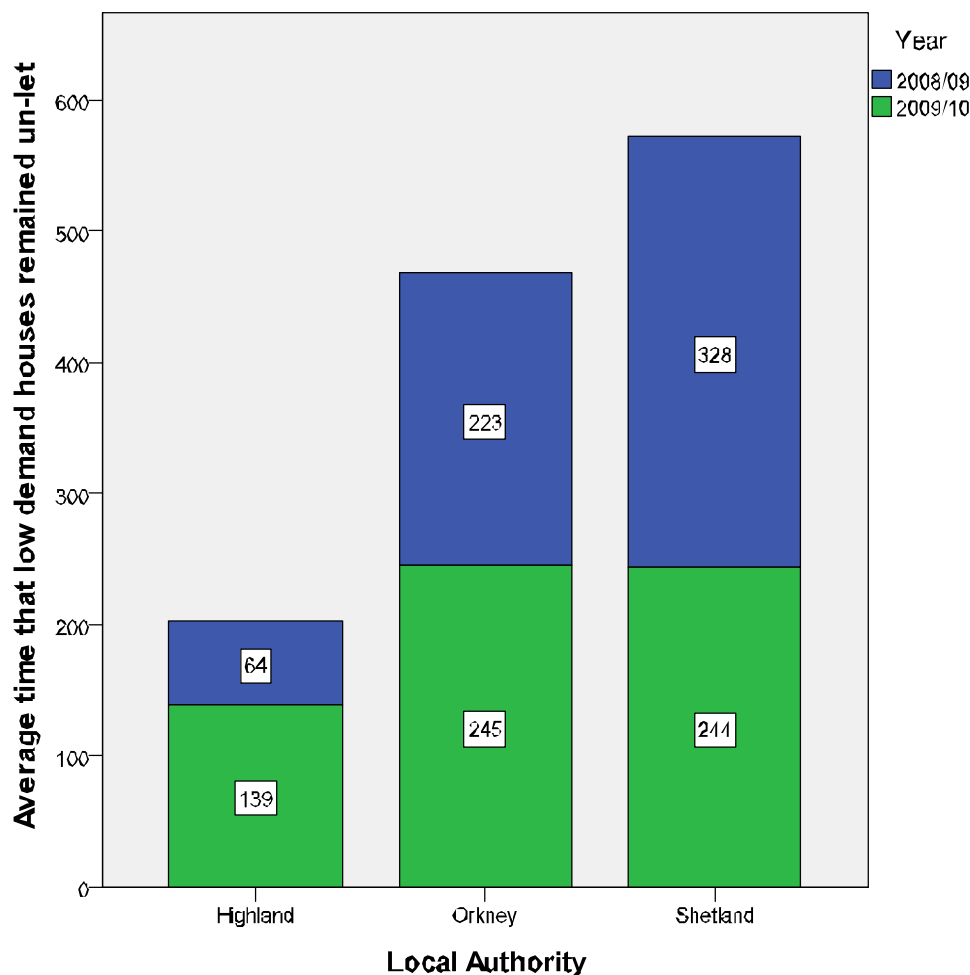
Between 2008/09 and 2009/10 performance worsened by 42 days in Shetland

Ranking 2009/10:

1. Highland—45 days
2. Orkney—105 days
3. **Shetland—203 days**

Further Context:

Five low demand properties were let in 2009/10. A high number of low demand properties are classed as sheltered housing where there is little demand for this type of let. Changes in the monitoring of low demand housing were also implemented in 2009/10.



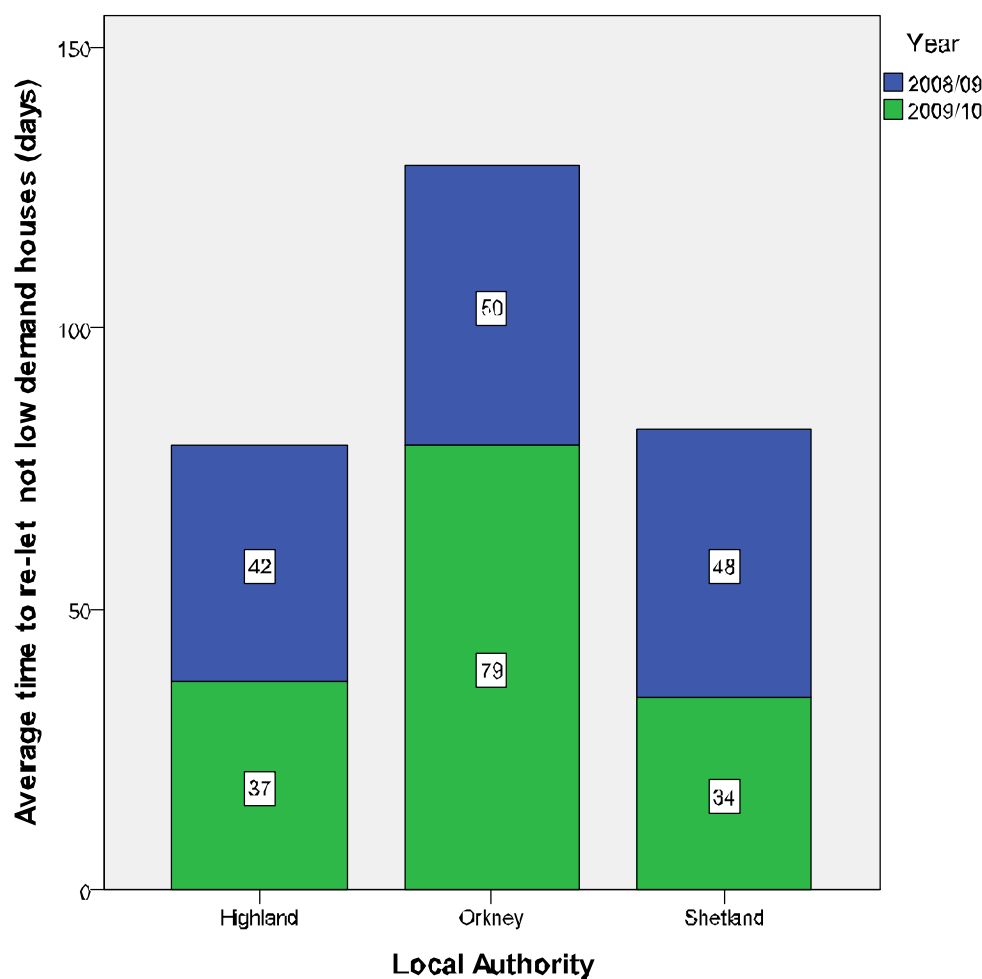
Average time that low demand houses remained un-let.

Performance Improved.

Between 2008/09 and 2009/10 the average time that low demand houses remained un-let improved by 84 days. .

Ranking 2009/10:

1. Highland—139 days
2. **Shetland—244 days**
3. Orkney—245 days



Average time to re-let not low demand houses

Performance Improved.

Between 2008/09 and 2009/10 the average time to re-let not low demand houses improved by 14 days.

Ranking 2009/10:

1. **Shetland—34 days**
2. Orkney—37 days
3. Highland—79 days

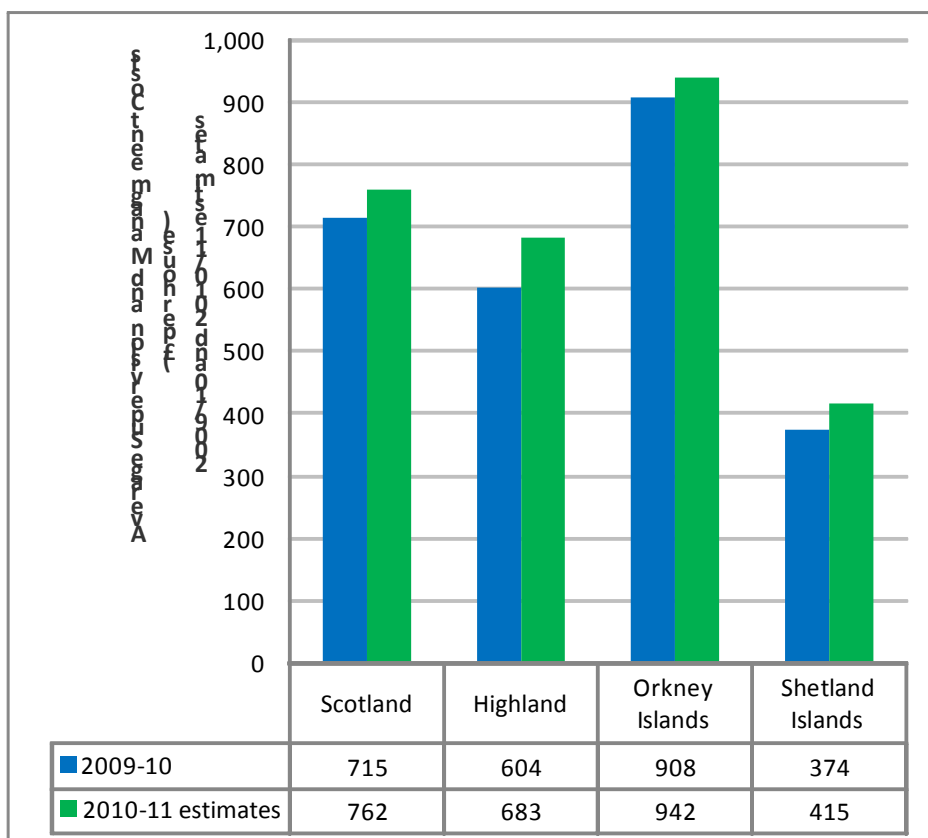
Average Supervision and Management Costs (£ per house)

Performance Stayed The Same.

Even though an increase of £41 per house is predicted for 2010/11, Shetland remains ranked 26th for its Supervision and Management costs—still the lowest in Scotland. Orkney are predicted to remain 3rd highest for their costs. Highland are predicted to move from 23rd to 18th highest for their costs.

Ranking 2010/11 Estimates:

1. **Shetland—£415**
2. Highland—£683
3. Orkney—£942



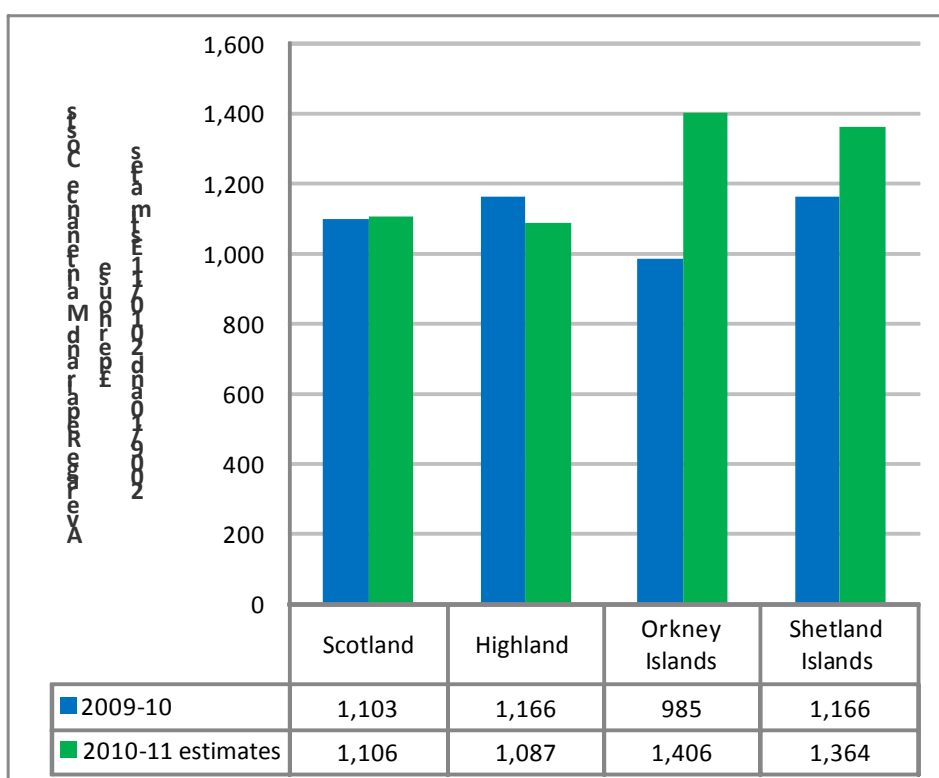
Average Repair and Maintenance Costs (£ per house)

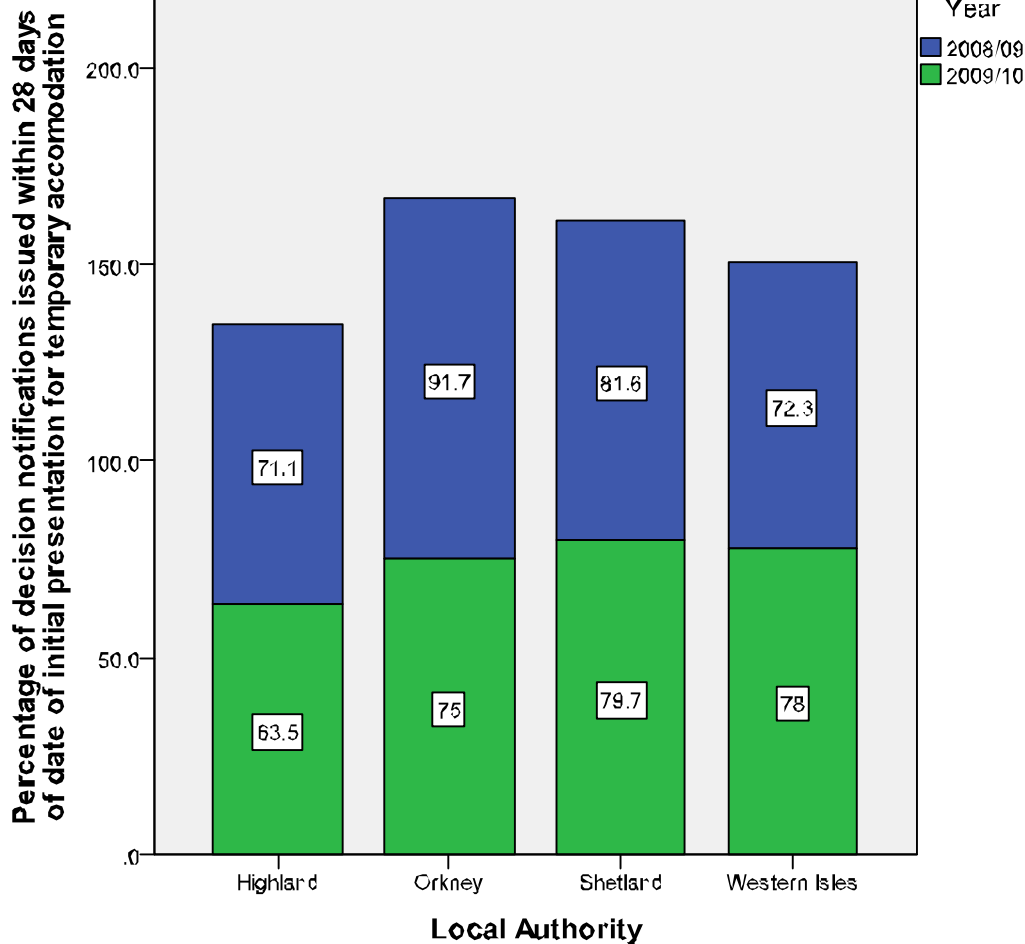
Performance Improved.

An increase of £198 per house is predicted for 2010/11, and this moves Shetland from 10th highest to 2nd highest for repair and maintenance costs. Orkney is predicted to move from 17th highest to 1st highest. Highland is predicted to move from 9th highest down to 12th.

Ranking 2010/11 Estimates:

1. Orkney—£1,406
2. **Shetland—£1,364**
3. Highland—£1,087





Percentage of homeless decisions issued within 28 days of initial presentation.

Performance Worsened.

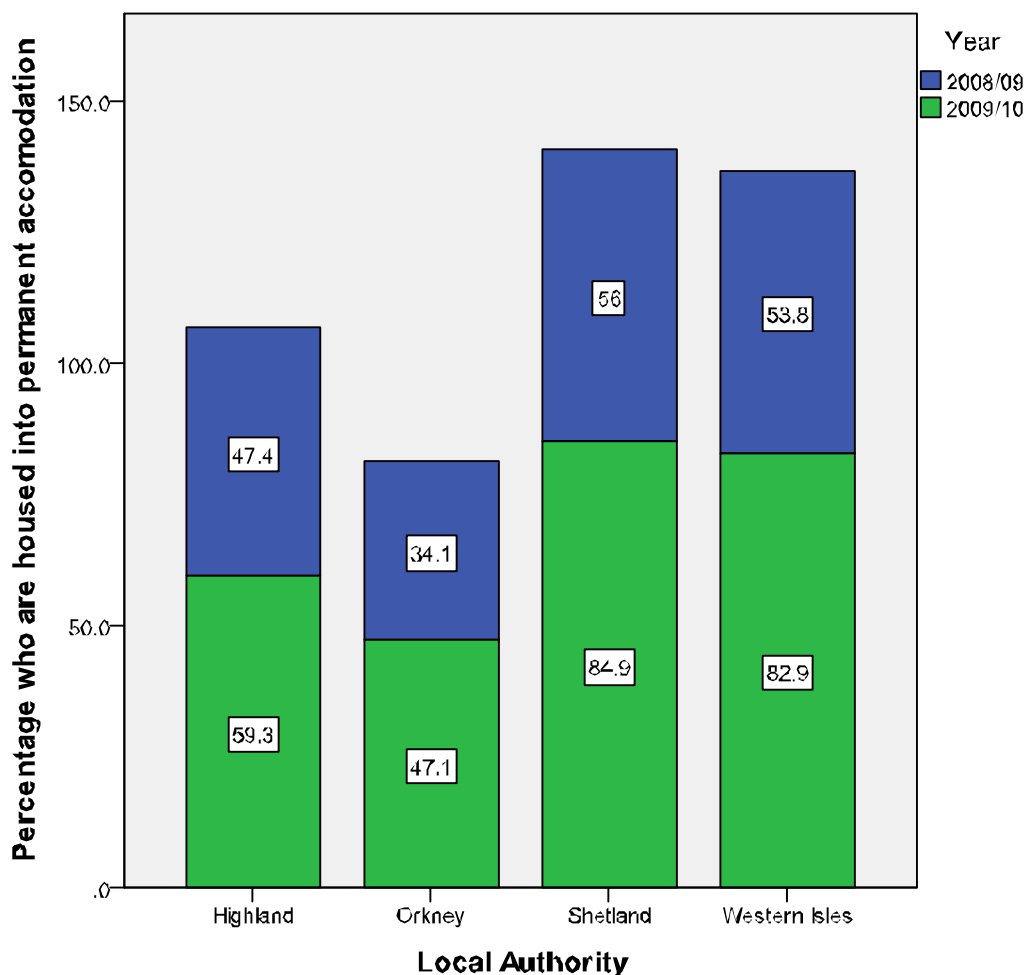
In Shetland there was a decrease of 1.9% between 2008/09 and 2009/10.

Ranking 2009/10:

1. **Shetland 79.7%**
2. Western Isles 78%
3. Orkney 75%
4. Highland 63.5%

Further Context:

Shetland still achieved the highest percentage of homeless decisions made within 28 days.



Percentage of homeless applicants who are housed into permanent accommodation

Performance Improved.

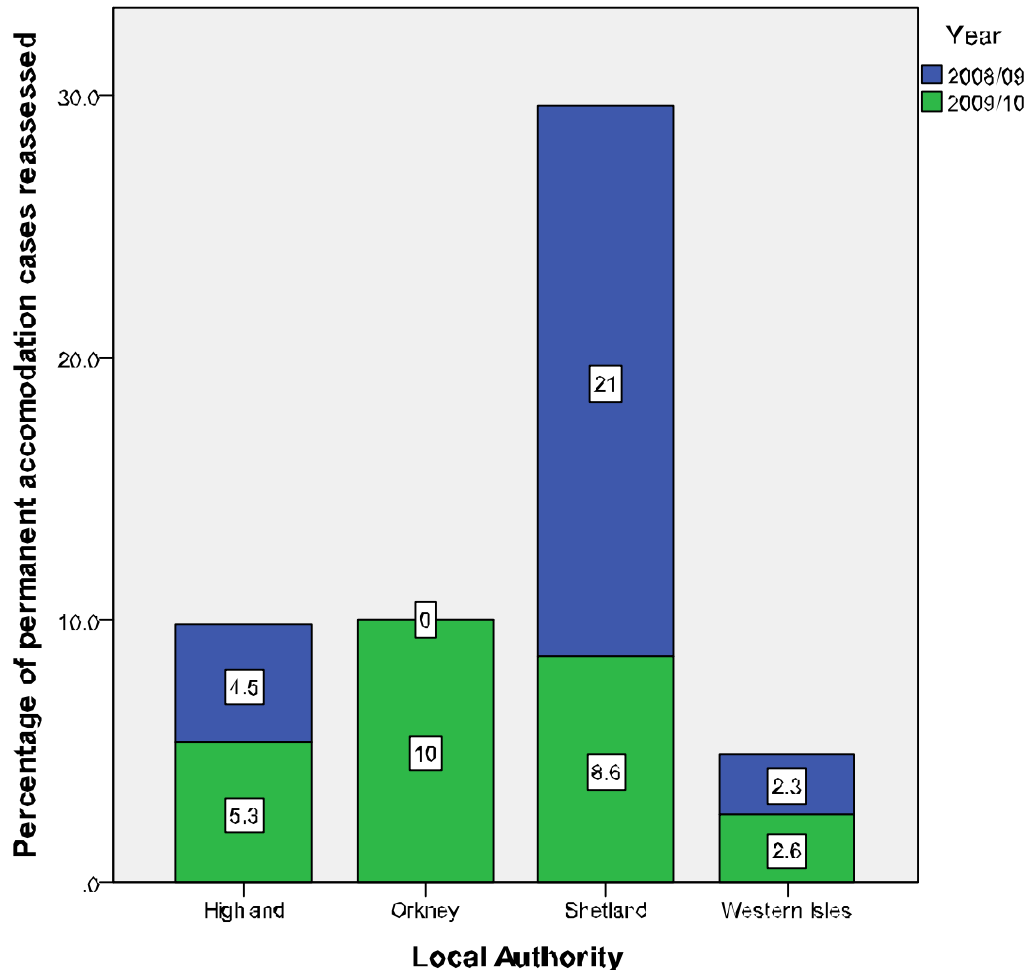
In Shetland there was an improvement of 28.9% between 2008/09 and 2009/10.

Ranking 2009/10:

1. **Shetland 84.9%**
2. Western Isles 82.9%
3. Highland 59.3%
4. Orkney 47.1%

Further Context:

Significant work in 2009/10 to rehouse homeless applicants is reflected in the greatly improved performance.



Percentage of permanent accommodation cases reassessed (repeat homelessness)

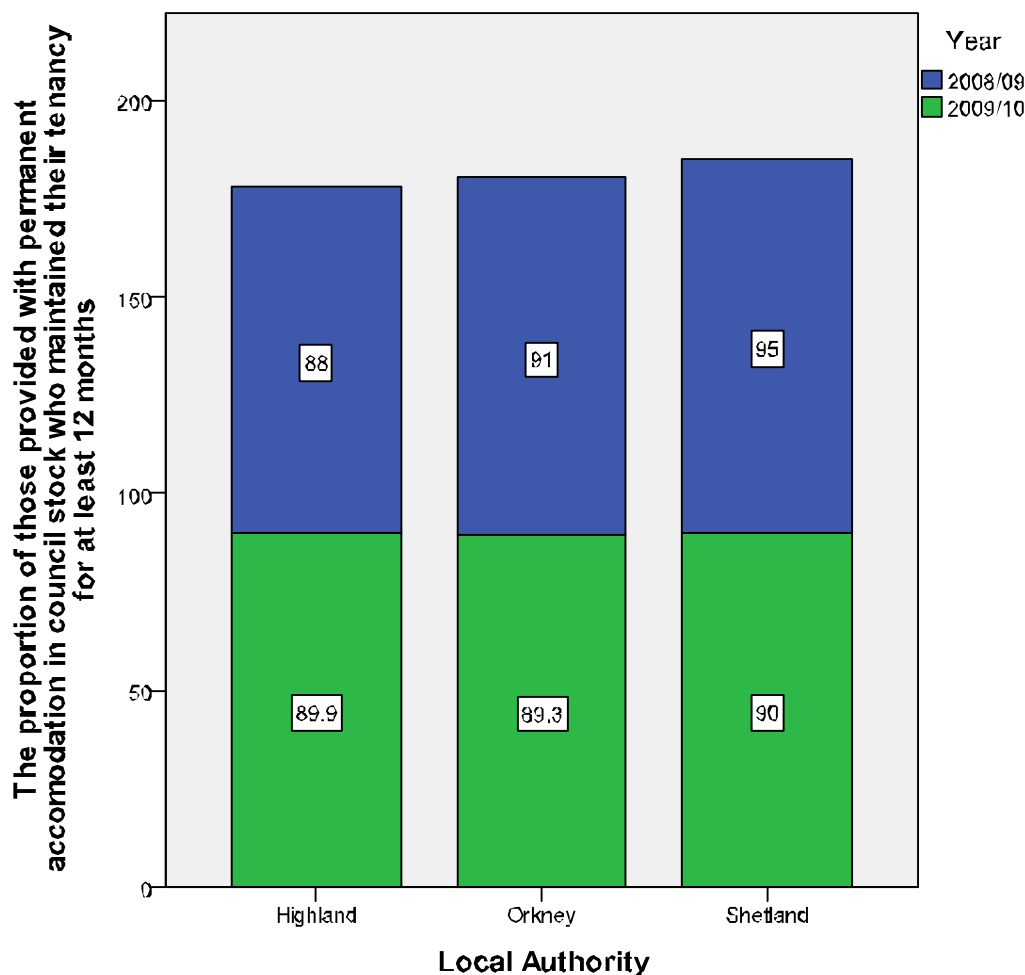
Performance Improved.

In Shetland there was an improvement of 12.4% between 2008/09 and 2009/10.

Ranking 2009/10:

1. Western Isles 2.6%
2. Highland 5.3%
3. **Shetland 8.6%**
4. Orkney 10%

Further Context:



Percentage of rehoused homeless households who have maintained their tenancy for over 12 months

Performance Worsened.

In Shetland performance decreased 5% between 2008/09 and 2009/10.

Ranking 2009/10:

1. **Shetland 90%**
2. Highland 89.9%
3. Orkney 89.3%

Further Context:

Although a decrease in performance was found, Shetland continues to have a high performance level.



REPORT

To: Services Committee

3 February 2011

From: Head of Housing

Report No: HS-05-11

Homelessness and Intentionality

1. Introduction

- 1.1 Councillor Angus received a letter from Alex Neil MSP regarding his view on links between homeless legislation and anti-social behaviour. A copy of this letter is attached at Appendix A for information.
- 1.2 I have been asked to provide Members with a report on the implications of the advice provided by Alex Neil for Shetland Islands Council.

2. Links to Corporate Priorities and Risk

- 2.1 Housing is a key contributor to the Council's Community Planning Partnership priorities in maintaining an economically active population. The Single Outcome Agreement has the following strategic outcome under its 'stronger' section: *Ensure all unintentionally homeless households are entitled to settled accommodation by 2012.* Audit Scotland have identified this as a risk for the Council.
- 2.2 The Single Outcome Agreement also has the following strategic outcome under its 'healthier' section: *We will support and protect the most vulnerable members of the community, promoting independence and ensuring services are targeted at those that are most in need.*
- 2.3 The 2010/11 Housing Service Plan identifies that Housing Services will: *Continue to work towards the national target for eliminating homelessness by 2012, including revised policies and procedures.*
- 2.4 In terms of risk, there is no direct financial risk associated with this report. However, there are economic, social, education and health risks associated with homelessness. The consequences of homelessness will have financial implications for those Council services supporting housing, social, education and health.

3. Homelessness and intentionality

3.1 The responsibility for making enquiries into an applicant's homelessness rests with the Council. The four criteria, which require to be assessed in sequence, are as follows: -

- Is the applicant homeless or threatened with homelessness?
- Is the applicant in priority need?
- Is the applicant homeless or threatened with homelessness 'intentionally'?
- Does the applicant have a local connection?

The Council has different responsibilities depending on the determination made.

3.2 A legal definition of intentionality is attached at Appendix B for information. In summary: -

- an applicant must have deliberately done, or failed to do, something which results in the loss of accommodation;
- it must have been reasonable for the applicant to continue to occupy the accommodation;
- the applicant must have been aware of all the relevant facts before taking or failing to take the deliberate actions referred to above.

3.3 In making a decision on intentionality the Council must consider all relevant circumstances.

3.4 For example if a person got into rent arrears because of real personal or financial difficulties, the Code of Guidance states that their acts or omissions should not be regarded as having been deliberate. A mentally ill person, or someone with learning disabilities, may well have been unlikely to have acted deliberately, and so should not be treated as intentionally homeless. Similarly where a person has been evicted for anti-social behaviour, the Council must take account of contributory factors including the effects of any mental illness or learning disability.

3.5 An applicant would not normally be considered intentionally homeless if he or she had not acquiesced in the action or omission leading to homelessness.

3.6 The onus is on the Council to prove intentional homelessness. It is not for the applicant to prove that they are unintentionally homeless.

3.7 Legally, if an applicant has been assessed as unintentionally homeless and in priority need, any responsibility to find a home for the applicant remains even if the partner whose acts or omissions were responsible for the homelessness in the first place remains in the household.

3.8 The Council must also consider if it has duties under any other legislation, for example the Children (Scotland) Act 1995.

- 3.9 If an applicant is found to be intentionally homeless, they have a right to be provided with temporary accommodation for a reasonable period, and advice and assistance.
- 3.10 Temporary accommodation must be provided for such a period as would give homeless households a reasonable opportunity to find accommodation themselves. The advice and assistance provided must be of a nature to secure this aim.
- 3.11 Reasonable opportunity must be assessed in terms of the applicant's circumstances, including consideration of factors such as disability, addiction, mental health problems and chaotic lifestyle which may adversely affect their ability to secure accommodation. Consideration also has to be given to local housing conditions including how readily available alternative accommodation is in the area.
- 3.12 If found to be intentionally homeless the applicant does not have a right to be provided with permanent accommodation by the Council. However, they do have the right to apply for general needs housing and must be considered under the terms of the Allocation Policy, in line with all other applicants.
- 3.13 The terms of the Council's Suspension Policy, which can result in an applicant being suspended from the waiting list, may apply to homeless applicants found to be intentionally homeless, but each application must be assessed on a case by case basis.
- 3.14 An aim of both the Code of Guidance and the Council's Allocation Policy is to ensure that an applicant's needs are fully and holistically assessed at an early stage, and appropriate support provided to prevent the occurrence or reoccurrence of homelessness.
- 3.15 Under the terms of the Council's Rent Collection and Arrears Policy, and the Council's Anti-social Behaviour Policy a tenant of the Council would not be evicted, without having received both verbal and written advice on the consequences in relation to their tenancy of their actions. In practice a case conference and support plan approach is adopted, to ensure the tenant clearly understands what they need to do or stop doing, to prevent legal action being taken by the Council to recover their tenancy.

4. Short Scottish Secure Tenancies

- 4.1 Alex Neil notes in his letter that there are provisions, which allow the use of a Short Scottish Secure Tenancy where an applicant has previously been evicted for anti-social behaviour within the last three years or if they or a member of their household is the subject of an anti-social behaviour order (ASBO). The legislation defines what is regarded as eviction for anti-social behaviour in these circumstances and it covers evictions for committing criminal offences on the property or harassing neighbours. It does not cover other kinds of behaviour which may be considered anti-social such as causing significant damage to the property.

- 4.2 The Council ask all applicants for housing, including homeless applicants, if anyone has ever taken court action against the applicant, or a person they are applying with, for antisocial behaviour.
- 4.3 If the conditions noted above applied to an applicant, the Council would offer a Short Scottish Secure Tenancy, should an offer of housing be made to the applicant.
- 4.4 In practice, to date there has never been an applicant to the Council who has been evicted for anti-social behaviour within the last three years, or is subject to an ASBO.

5. Financial Implications

- 5.1 There are no direct financial implications arising from this report.

6. Policy & Delegated Authority

- 6.1 As described in Section 13 of the Council's Scheme of Delegations, the Services Committee has delegated authority to make decisions on matters within its remit for which the Council has approved the overall objectives.

7. Conclusion

- 7.1 There are no policy implications arising from the content of the letter from Alex Neil. The Council is aware of the legislation and guidance in relation to homelessness and intentionality, and considers intentionality in every case.
- 7.2 In addition, whilst there has not been a need to date, if required the Council could offer a Short Scottish Secure Tenancy to an applicant who met the legal requirements in relation to anti-social behaviour.

8. Recommendation

- 8.1 I recommend that Services Committee note the content of this report.

Date: 7 January 2011
Our Ref: VS/LJ

Report No: HS-05-11

Minister for Housing and Communities
Alex Neil MSP

T: 0845 774 1741
E: scottish.ministers@scotland.gsi.gov.uk



November 2010

At our meeting on 4 October 2010, I agreed to investigate your concerns regarding a perceived link with homelessness legislation and anti-social behaviour, and provide you with my detailed view on this.

Specifically, some concerns were raised that homelessness legislation, which places a duty on a local authority to provide permanent housing to unintentionally homeless households in priority need, prevents sanctions used to address anti-social behaviour, non payment of rent and damage to accommodation, being imposed upon homeless applicants regardless of the applicant's behaviour.

As you are aware, local authorities in Scotland have statutory responsibilities towards people who are threatened with or who are experiencing homelessness and are obliged by law to offer a minimum of temporary accommodation, advice and assistance to all homeless households and to those at risk of homelessness. In addition, homeless households in priority need are entitled to permanent accommodation where they are found to be homeless unintentionally.

Whilst I share your concerns about the need to address anti social behaviour in Scotland, I am clear, that homeless applicants whom a local authority have assessed as having become homeless as a result of their own actions (including the type of anti-social behaviour referred to in our discussions) have no right be treated as unintentionally homeless by a local authority and therefore entitled to settled accommodation. There is no obligation to provide permanent or settled accommodation to homeless applicants that are not unintentionally homeless.

Under Section 28(2) of the Housing (Scotland) 1987 Act it is the responsibility of a local authority to establish whether a person making a homeless application became homeless or threatened with homelessness intentionally.

Intentionality depends on an applicant having acted, or failed to act, deliberately, and being aware of all the relevant facts, in a manner that has led to their homelessness situation.

Therefore, if after taking account of all the circumstances of an applicant, the local authority finds that an applicant is homeless intentionally, the duty they owe to the household becomes one of temporary accommodation and advice and assistance rather than permanent accommodation.

I would emphasise that should a local authority decide that a person became homeless intentionally, the person should not be considered to be intentionally homeless indefinitely or a fixed period of disqualification applied. If there is reason to believe that there has been a change of circumstance, for example if there is evidence that the behaviour of a person evicted for anti-social behaviour has improved, or if some genuine efforts are being made to reduce rent arrears, then there may well be sufficient grounds to merit a review of the earlier decision, taking into account the altered circumstances. Applicants should be given a clear indication of what change of circumstances would allow them to apply again or have their case reconsidered. Chapter 7 of the Scottish Government's Code of Guidance on Homelessness sets out guidance on how a local authority should inquire into intentionality, and provides guidance on different criteria for deciding intentionality.

There is nothing in homelessness legislation nor the Code of Guidance to suggest that homeless applications should be assessed with no regard to the applicant's conduct in a previous tenancy or indeed having displayed anti-social behaviour that has directly resulted in their homelessness. The legislation does not operate regardless of behaviour.

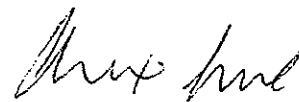
There are however provisions set out in the Housing (Scotland) Act 2001, which allows the use of a Short Scottish Secure Tenancy where an applicant has previously been evicted for anti-social behaviour within the last three years or if they or a member of their household is the subject of an anti-social behaviour order.

This 'probationary' tenancy, which will be for at least 6 months and can be for up to 12 months, enables tenants to be given a second chance to sustain a successful tenancy and has a double effect. Firstly, of landlords being able to downgrade a tenancy from the full Scottish secure tenancy for tenants who are anti-social, thereby making it easier for the landlord to end the tenancy should unacceptable behaviour continue. Secondly, and importantly, it allows tenants with anti-social tendencies to receive support to enable them to sustain a tenancy in a responsible manner and to convert to a full Scottish Secure Tenancy after a probationary period of up to twelve months. These measures compliment the range of powers such as Anti Social Behaviour Orders and closure orders, available to the police and local authorities, via the courts, under the Antisocial Behaviour Etc (Scotland) Act 2004.

In a broader sense, local authorities should have regard to statutory guidance on the *Best Interests of Children Facing Homelessness* - published by the Scottish Government in June 2010, when considering ongoing action in respect of intentionally homeless households containing children.

I hope the information provided addresses your concerns and will be of assistance in allowing local authorities to address anti-social behaviour, while ensuring the sustainability of individual tenancies and the stability of the wider community.

If there are examples of specific cases that are causing the difficulties, which you do not believe are covered by this response, I would be grateful if you could forward this information for my attention and I will ask my officials to investigate further.



ALEX NEIL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

Appendix B

Housing (Scotland) Act 1987 as amended by the Housing (Scotland) Act 2001 and the Homelessness etc (Scotland) Act 2003

Section 26

Becoming homeless intentionally: -

(1) A person becomes homeless intentionally if he deliberately does or fails to do anything in consequence of which he ceases to occupy accommodation which is available for his occupation and which it would have been reasonable for him to continue to occupy.

(2) A person becomes threatened with homelessness intentionally if he deliberately does or fails to do anything the likely result of which is that he will be forced to leave accommodation which is available for his occupation and which it would have been reasonable for him to continue to occupy.

(3) For the purposes of subsection (1) or (2) an act or omission in good faith on the part of a person who was unaware of any relevant fact shall not be treated as deliberate.

(4) Regard may be had, in determining for the purpose of subsections (1) and (2) whether it would have been reasonable for a person to continue to occupy accommodation, to the general circumstances prevailing in relation to housing in the district of the local authority to whom he applied for accommodation or for assistance in obtaining accommodation.