



MINUTES

B - Public

Education and Families Committee
Council Chamber, Town Hall, Lerwick
Wednesday 20 March 2013 at 10.00am

Present:

Councillors:

V Wishart	G Smith
P Campbell	G Cleaver
B Fox	A Manson
F Robertson	G Robinson
D Sandison	M Stout

Religious Representatives:

T Macintyre	R MacKay
M Tregonning	

Also:

A Cooper	S Coutts
T Smith	J Wills
A Wishart	

In Attendance:

H Budge, Director of Children's Services
C Ferguson, Director of Corporate Services
A Edwards, Executive Manager – Quality Improvement
M Nicolson, Executive Manager – Children's Resources
M Spence, Quality Improvement Officer
S Thompson, Executive Manager – Schools
R Sinclair, Executive Manager – Capital Programme
K Allan, Team Leader – Asset and Properties
J Molloy, Asset Strategy Manager
C Anderson, Senior Communications Officer
E Park, Transport Strategy Officer
A Cogle, Team Leader – Administration
L Geddes, Committee Officer

Chairperson

Ms Wishart, Chair of the Committee, presided.

Circular

The circular calling the meeting was held as read.

The Chair ruled that, due to the timescales involved, the following item of business would be considered at this meeting as a matter of urgency in terms of subsection 4 of section 50B of the Local Government (Scotland) Act, 1973:

Agenda Item 8: New Anderson High School – Appointment of Client Adviser Report by the Director of Children's Services

The Chair also advised that it had been agreed not to present the three progress reports relating to the Blueprint for Education. This was to ensure that input from Parent Councils could be taken into account, and also in order not to pre-judge the statutory consultation.

Declarations of Interest

Agenda Item 3 - Review of Shetland Islands Council Childcare Provision in Lerwick:

Mr Sandison declared an interest as his wife had a business in the childcare sector. Whilst there was no direct link, because it was in the same sector he would not participate and would leave the Chamber during the discussion.

Mr Fox declared an interest as a family member was involved in Lerwick Pre-School. Whilst there was no direct link, because it was in the same sector he would not participate and would leave the Chamber during the discussion.

Minutes

The Committee approved the minutes of the meetings held on 23 January and 1 February 2013, on the motion of Mr Tregonning, seconded by Mr Robinson.

11/13 **Progress on the Implementation of Curriculum for Excellence in the Secondary Sector of Shetland's Schools**

A report by the Director of Children's Services (Report No: CS-10-13-F) outlined the progress made towards the implementation of Curriculum for Excellence (CfE) in Shetland's secondary schools and secondary departments, with particular reference to the Senior Phase (S4 to S6).

The Quality Improvement Officer summarised the main terms of the report, advising that the CfE was a long term process and that it had, in the most part, been implemented in the primary sector of Shetland's schools. She went on to introduce Mr Eddie Broadley, Senior Education Officer – Education Scotland, who would be giving a presentation to the Board regarding the national implementation of the CfE.

Mr Broadley gave a PowerPoint presentation to Members that outlined the main features of the CfE, the current position with schools across Scotland, and the transition planning that was taking place with higher education establishments.

Mr Broadley, the Quality Improvement Officer and the Director of Children's Services then responded to questions from Members. Members noted the following:

- The role of teachers would shift to focus more on facilitating learning rather than imparting knowledge. All teachers were taking part in training, as it was important to broaden the skills and attributes of teachers as well as learners. The Council had invested heavily in "Assessment is for Learning" training for its staff.
- Whilst the use of new technology was important, traditional face-to-face teaching was still very important and there was a need to achieve the best blend of both for groups of learners. Other local authorities were looking to partners to help them deliver and broaden learning experiences, and it was important for Shetland to do the same.

- The Scottish Parliament had agreed that the CfE was the best way forward, and the Cabinet Secretary was aware of the debate around resources to pay for its delivery. There were concerns that inadequate resources may mean that it was not possible to take advantage of all the opportunities that the CfE offered.
- It was important to maintain dialogue with parents to help them understand the benefits of the CfE. It was suggested that more could be done locally to ensure that parents were aware of this, as concerns had been raised. It was noted that Mr Broadley would be meeting representatives of Shetland parent councils following the meeting today.
- Parents had expressed concern regarding the reduction in the number of choices available to their children. Mr Broadley advised that it was important not to focus solely on the number of qualifications, but instead to consider the needs of learners and their achievements as well as their qualifications. There was a need to ensure that parents understood what was being offered, and that their children's education was not being narrowed.
- Education Scotland was doing everything it could to encourage partnerships and co-planning between schools and colleges/universities, and regular meetings were taking place. By October, every university in Scotland would have given a statement regarding the plans it would put into place to accommodate the CfE. Locally, vocational pathways were offered in partnership with Shetland College and the NAFC, and the Council was already in talks regarding the development of this in the future.
- It was questioned, given the focus on the use of information technology (IT), if the CfE would work well for those of a lower social economic background or for those from households that did not actively encourage learning. Mr Broadley said that there were not enough resources nationally to provide IT equipment for every learner. However there were a number of initiatives to overcome this, and the role of teachers and schools would be important to work out what would be best for each pupil.
- The number of options being offered to pupils varied between six and eight across the country, and a number of local authorities were still seeking guidance on this. There was no uniform answer, as it would depend on the needs of the groups of learners. Locally discussions had taken place with Head Teachers. It was felt that it would be more appropriate to have a joint approach so that a child could progress through the senior phase, although Children's Services were willing to consider different options.
- Dialogue with students, parents and local communities was ongoing, and further work would be undertaken in April with a broad range of students, parent councils and possibly a public meeting. Due to the current financial situation, it could be difficult for parents to accept that the reduction in choices was not financially-driven, so there was a need to continue dialogue with parents.
- The benefits of being educated in an island authority area could be demonstrated, and there were benefits to being educated in both small schools and large schools. The Council would need to consider how it saw

S4, as the senior phase would need to be flexible enough to cope with the needs of the majority, but also cope with the needs of the individual.

The Chair thanked Mr Broadley for attending the meeting.

Decision:

The Committee **RESOLVED** to note the contents of the report.

12/13

Getting It Right For Every Child Policy

The Committee considered a report by the Director of Children's Services (Report No: CS-11-13-F), which sought approval of the draft Getting It Right For Every Child Policy.

The Director of Children's Services summarised the main terms of the report, advising that the proposed legislation was aimed at ensuring a consistent approach nationally. Whilst the policy had been approved by NHS Shetland, they had asked for a further report detailing the guidance and procedures that still had to be worked up, so approval was sought for the draft policy. Reports on progress would be presented quarterly via the Directorate Plan.

In response to a query regarding the withdrawal of the ASN holiday club facility, the Director of Children's Services advised that she was working closely with the Short Breaks service to ensure that provision was suitable for those that required it. A shorter Easter programme would be provided, and this programme would be evaluated to look at the best way forward for a summer holiday programme with staff from Children's Services.

Decision:

The Committee **RECOMMENDED** that the Council resolve to approve the draft Getting It Right For Every Child Policy.

(Mr Fox and Mr Sandison left the meeting during consideration of the following item)

13/13

Review of Shetland Islands Council Childcare Provision in Lerwick

The Committee considered a report by the Executive Manager – Children's Resources (Report No: CS-16-03-F), which presented the Review of Shetland Islands Council Childcare Provision in Lerwick.

The Executive Manager – Children's Resources summarised the main terms of the report, and introduced Jennifer Russell from Anderson Solutions who had prepared the review, and was participating in the meeting by tele-conference.

Ms Russell introduced her report to Members, advising that it focussed on two elements – a review of the services as they currently operate, and an appraisal of options for the future of the service. She went on to say that the service cost £280,000 to deliver, and there were inefficiencies that could be addressed without impacting on services such as premises, overstaffing, excess capacity and management/administration procedures. Five options for delivery of the service had been considered, and the strongest option that had emerged was Option 2. She pointed out that approval of Option 2 would not rule out Options 4 or 5 in the longer term.

It was noted that concern had been expressed by a private nursery provider regarding the potential impact on their business, as the report stated that private providers did not have the capacity to expand or take in more pupils. Although this was the case at the moment, some providers would have been willing to expand their capacity in the future, and some had been willing to become partner providers but had been told this was not required. Concern had also been expressed that the report did not refer to provision for 0-3 year olds, and this was currently carried out only in the private sector. Costs were higher for this type of provision due to the staffing ratios required.

Responding to these concerns, Ms Russell pointed out that some concerns had been raised by partner providers during the consultation, and development plans had been discussed with them. She went on to say that approval of Option 2 would mean that there would be reduced capacity for after-school care, and some demand would not be met but this would not have a negative impact on the private sector. There would be some reduced capacity in some of the commissioned places and pre-school education places available, however there would be a small increase in place available in the afternoon. The pricing structure proposed would be significantly better than it was in terms of distorting the market place as it would be broadly in line with market prices, and she believed the proposed rates were reasonable. With regard to becoming partner providers, she understood that one of the barriers was a timing issue and the services currently operating in Lerwick were smaller than those that had been transferred. She did believe that the proposals in the report would support positive impacts in the private sector, and she recognised that there was a wider issue of support for pre-school education and the private sector in Shetland.

The Chair thanked Ms Russell for participating in the meeting.

Mr Robinson moved that the Committee approve the recommendations in the report, with the addition that there is a presumption against expanding local authority provision in this sector, and that there is a continuing dialogue with partner providers with a view to growing their capacity to cope with growth in this sector.

Mr Stout seconded.

Mr Cleaver moved, as an amendment, that in addition to the above, that there is also a commitment to a piece of work that takes the Council to a position of a phased withdrawal of Council provision, and that this is done over a period of two years.

However this did not receive a seconder.

Decision:

The Committee **RECOMMENDED** that the Council resolve to approve Option 2 – Rationalise Provision, with the addition that there is a presumption against expanding local authority provision in this sector, and that there is a continuing dialogue with partner providers with a view to growing their capacity to cope with growth in this sector.

(Mr Sandison and Mr Fox returned to the meeting)

The Committee considered a report by the Executive Manager – Schools (Report No: CS-12-13-F), which presented a reviewed and updated School Transport Policy.

The Executive Manager – Schools summarised the main terms of the report, advising that the budget for the schools transport contracts sat with the Development Committee, but policy matters were under the remit of the Education and Families Committee. The Development Committee had agreed that substantial budget savings should be made, and Children's Services had agreed to assist with this exercise. There were three main points in the report – proposals to removing the existing voluntary extension to winter provision, maintaining a firm line on the walking distances to/from pick up points, and adhering to current provision in line with legislation. It was anticipated that 186 pupils would be affected by these proposals in 2013/14, and 231 in 2014/15. The furthest distance to a pick up point would be 1.7 miles, with the majority less than one mile, and routes would be subject to road safety audits. It was anticipated that the new policy could result in savings of £50,000, but it would not be possible to quantify this until the tenders had been returned.

The Executive Manager – Schools and the Transport Strategy Officer then responded to queries from Members. Members noted the following:

- The Roads Service could assess individual routes on request. The assessments took place at times when children would be going to school and took account of factors such as traffic counts, numbers and speeds of vehicles, the local environment, width of verges, location of businesses, accident history, street lighting, existing structures and crossings. Provision existed for the audit to be carried out again if the conclusion was unsatisfactory, or for certain factors to be taken into account. Road engineers could be asked to attend Parent Council meetings to help assist understanding of what the road safety audits took into account.
- There were 100 contracts to be tendered, 27 of which had existing road safety audits, so there would probably be a requirement to carry out more of these. The proposed removal of the winter provision would affect 11 routes.
- Other local authorities adhered to the legally specified maximum walking distances. The current situation in Shetland was a deviation from the existing policy, and one that had developed through custom and practice over the years.
- It was the responsibility of parents to make arrangements to get their children to the pick up points, and they were largely driven there rather than walking to them. Walking to school was something the Council would like to encourage. The provision of reflective clothing was something which parents were responsible for, although there were various schemes that provided school pupils with reflectors.
- Examination of what facilities were currently available for drying clothes, and if this was something the Council was required to provide, could be carried out. The Council did not currently provide bikes, but provided bicycle road safety and maintenance training. The provision of bikes was something that could possibly be considered as an alternative to a bus.

- The provision of seatbelts on a bus was taken account of in legislation and in the conditions of contract. The driver was responsible for advising children that wearing a seat belt was compulsory.
- Tenders were organised to ensure that there would be capacity on service buses that were likely to be used by school pupils, and so that the best use could be made of vehicles and drivers. The winter months provision was held separately within the tender exercise package and was subject to a packaging arrangement, so that there was a facility to tender for winter months only. This could be awarded separately if it was decided to retain this provision.

During the discussion that followed, Members expressed concern at the potential for young children having to walk to school in winter on narrow roads that may have large vehicles on them. It was questioned if it would be necessary to revisit the gritting policy, and if consideration would have to be given to providing additional bus shelters. It was also suggested that it would have been more appropriate to carry out road safety audits in advance of the tendering exercise, and it was pointed out that the statement on page 10 of the policy that the "...Local Authority is required by law to provide school transport..." would require to be clarified. Concern was also expressed that the Executive Committee and the Council may reverse any decision made at the meeting today, and this would have an impact on the tendering process. It was also noted that the potential savings that could be achieved, if any, would not become apparent until the tenders had been returned.

Other Members pointed out that the current provision was something that had grown and developed over the years, and that the Council was already providing services outwith the scope of its current policy and outwith statutory responsibilities, so there should therefore be no effect on the tendering exercise. Given the current financial situation, it was felt it was not appropriate to be providing services outwith policy and statutory provision.

Mr G Smith pointed out that the policy still had to be presented to the Executive Committee and the Council for approval, but that the tendering exercise, based on the proposed new policy, would be commencing on Friday 22 March. He therefore moved that the Committee resolve not to approve the proposed updated School Transport Policy today and that instead, when tenders are being sought for school transport, they should be based on both the existing School Transport Policy and the proposed updated School Transport Policy. Following receipt of these tenders, further consideration should be given as to whether or not the existing School Transport Policy needs to be updated.

Mr Robertson seconded.

Mr Robinson referred to the Council's statutory responsibilities, highlighting that the Council was already providing a service that had grown outwith both its existing policy and its statutory responsibilities. Other areas adhered to their statutory responsibilities and single-track roads and bad weather were not unique to Shetland, and the Council would ensure that that journey was safe. He therefore moved, as an amendment, that the recommendation in the report be approved, and Ms Wishart seconded.

Ms Manson gave notice of further amendment.

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

Amendment (Mr Robinson)	4
Motion (Mr G Smith)	8

Ms Manson withdrew her notice of further amendment.

Decision:

The Committee **RECOMMENDED** that the Council resolve not to approve the proposed updated School Transport Policy today and that instead, when tenders are being sought for school transport, they should be based on both the existing School Transport Policy and the proposed updated School Transport Policy. Following receipt of these tenders, further consideration should be given as to whether or not the existing School Transport Policy needs to be updated.

The Committee adjourned at 12.55pm and reconvened at 1.30pm.

Present:

Councillors:

V Wishart	G Smith
P Campbell	G Cleaver
B Fox	D Sandison
M Stout	

Religious Representatives:

T Macintyre	R MacKay
M Tregonning	

Also:

A Cooper	S Coutts
T Smith	J Wills
A Wishart	

In Attendance:

H Budge, Director of Children's Services
A Edwards, Executive Manager – Quality Improvement
M Nicolson, Executive Manager – Children's Resources
R Sinclair, Executive Manager – Capital Programme
S Thompson, Executive Manager – Schools
K Allan, Team Leader – Asset and Properties
A Cogle, Team Leader – Administration
J Molloy, Asset Strategy Manager
C Anderson, Senior Communications Officer
C Nicolson, Senior Project Manager
P Wishart, Solicitor
L Geddes, Committee Officer

Also:

K Davenport, Project Director – hub North Scotland
F Innes, Development Director – hub North Scotland
A Oliver, Programme Manager – hub North Scotland

The Chair advised that she intended to consider Agenda Item 6 – New Anderson High School Progress Report – next on the agenda in order that the representatives of hub North Scotland attending the meeting could leave in time to catch their flight.

15/13 **New Anderson High School – Progress Report**

A report by the Director of Children's Services (Report No: CS-18-13-F) provided an update on progress regarding the replacement of the Anderson High School.

The Director of Children's Services introduced the representatives from hub North Scotland, and circulated a paper to the meeting which advised that the following appointments had been made in respect of the new Anderson High School project:

- Miller Construction Services Limited – Construction Contractor
- Ryder Architecture – Architect
- Turner and Townsend – Project Management/Quantity Surveyor/CDM Co-ordinator
- Sweett Group – Technical Advisor
- Faithful and Gould – Independent Certifier

She went on to say that in order to comply with the funding requirements, the next steps would be to take the project forward to the construction date, which had to commence by 31 March 2014.

The Director of Children's Services and representatives of hub North Scotland then responded to questions from Members, and Members noted the following:

- Some of the companies appointed were involved with the construction of other new build schools, as they were part of the supply chain. Hub North Scotland was confident that the members of the supply chain had the resource capacity to dedicate the right level of resources to the AHS project, and they were in contact with these companies on a regular basis.
- The requirements of the CfE would be taken into consideration in the design process. Two 'reference' schools were being considered as a baseline, and the one that most reflected the requirements of Shetland was Eastwood High School. The building would be designed to take account of local requirements, and should be able to function along with other models of delivery, such as the hub and spoke model.
- The criteria used to determine the lead contractor included assessment of their experience, capacity and resources to carry out and deliver the project. There were a number of other important elements. The model being funded by the Scottish Government was a revenue-based model being administered by the Scottish Futures Trust. A key element of delivering the programme, in addition to previous experience and track records, was the funding markets view of those delivering the projects. Whilst it was not possible to predict the market, the assessment fitted quite well.
- There was a commitment from hub North Scotland and the supply chain that local contractors would be engaged in the project, and a minimum of 80% of the works value of the project would be tendered. Engagement would take place locally, and there would be a "meet the buyer" event taking place very soon. This worked very well in terms of meeting and appointing contractors,

and there had been a number of local contractors who had already expressed an interest in the project.

- Within the contract, there would be a number of obligations to complete works within a particular time and standard. One of the appointments that had been made was for an independent certifier, and it would be their responsibility to make sure that works were completed to the proper standard. The 'snagging list' of works that had not been completed to this standard would have to be carried out within a specific period of time following construction. Any problems would be for hub North Scotland to resolve, and the independent certifier would ensure that would happen.
- Building maintenance would be undertaken by hub North Scotland for the 25-year period, and the associated cost of that maintenance will be paid for as part of the revenue funding from the Scottish Government.
- The halls of residence would form part of the project and it would run in parallel. The funding that had been awarded was based on certain criteria. Therefore the hostel would be based on a 100-bedded unit, as this was the maximum that could be received through this programme. It could be included as part of the design, build and maintenance contract, or could be done through the Capital Programme. A document was being prepared at the moment to consider all options in detail.
- Decisions on the project were delegated to the Committee until Stage 2, so the Committee would be kept informed of progress. Members were also involved in the project board that had been set up by the Council as an officer group. The Convener, Vice-Convener, Chair and Vice-Chair of the Committee attended as observers

Mr Sandison moved that the Committee approve the recommendation in the report, and Mr Robinson seconded.

The Chair thanked the representatives from hub North Scotland for attending the meeting.

Decision:

The Committee **RESOLVED** to note the progress towards the appointment of a contractor, architect and technical consultants for the new Anderson High School, and noted that the following appointments had been made:

- Miller Construction Services Limited – construction contractor
- Ryder Architecture – architect
- Turner and Townsend – project management/quantity surveyor/CDM co-ordinator
- Sweett Group – technical advisor
- Faithful and Gould – independent certifier

Children's Services Directorate Plan 2013/14

The Committee considered a report by the Director of Children's Services (Report No: CS-17-13-F), which presented the Children's Services Directorate Plan and Service Action Plan, setting out the policy and performance management

framework for the Directorate and outlining the aims, objectives and actions for the financial year 2013/14.

The Director of Children's Services summarised the main terms of the report, advising that the format of the report had been altered in order to reflect performance-monitoring indicators that were relevant to each service area, as requested by Members.

In response to queries, the Director of Children's Services confirmed that the plan would be flexible enough to incorporate any changes that may be required as a result of the Corporate Plan or Single Outcome Agreement. It was suggested that many of the objectives in the plan were introspective, and that there could be more emphasis on service delivery. It was also acknowledged that staff had been well supported through periods of change, and work was ongoing to ensure that parents, young people and communities understood the changes relating to the CfE. It was felt important that Members were supportive of officers in achieving this. It was noted that work was also taking place to help improve staff morale, and the action plan was intended to help staff feel more valued.

Decision:

The Committee **RESOLVED** to:

- Review and discuss the contents of the Directorate Plan and Service Action Plans;
- Endorse the contents of the Plans; and
- Approve the priorities for the Children's Services Directorate for the financial year 2013/14 as set out in the Plan.

Ms Wishart moved that in order to avoid the disclosure of exempt information, the Committee resolve to exclude the public in terms of the relevant legislation during consideration of the following items of business. Mr Sandison seconded.

The Chair advised that the following item could be held in public, providing that no reference was made to the exempt information contained in the appendix of the report.

17/13 Scalloway Primary School Former Secondary Department – Feasibility Study Progress Report

The Committee considered a report by the Executive Manager – Capital Programme (Report No: CPS-03-13-F), which provided an update on progress regarding the Feasibility Study to determine the future use of the vacant Scalloway School former secondary department.

A drawing was circulated of the proposed site layouts, and the Executive Manager – Capital Programme and Asset Strategy Manager responded to queries from Members. Members noted the following:

- Leasing was the preferred option of both the Council and NHS Shetland, and it was likely that there would only have been a limited market for sale of the building.
- The feasibility study referred to in paragraph 4.4 had been carried out by Council staff and consultants working for (and paid by) NHS Shetland, so no

external fees had been incurred by the Council. It had been carried out to ensure the most appropriate community use for the premises.

- A number of other options had been considered for the use of the building.
- The area adjacent to the proposed Health Centre (currently the nursery) was not required by NHS Shetland, and would remain for the use of Children's Services.
- The car-parking layout would be revisited, compared to the tabled plan, as there were some issues that had arisen with bus turning areas. A campus approach had been taken with the intention that there would be shared parking, with the exception of disabled spaces. The Roads Service was happy with the approach that was being taken.

There were a number of questions relating to the costs of adapting the building for the NHS' purposes. It was noted that these issues were dealt with in the exempt appendix, but that the Council would not be financially disadvantaged by these.

Mr Cleaver asked that it be noted that he was not satisfied with this response, but would not pursue any of the questions if it meant the meeting had to go into private.

Decision:

The Committee **RESOLVED**:

- That primary pupils in Scalloway School be relocated to the former Secondary Department; and
- To confirm that the vacated Primary Department is surplus to requirements in terms of the School Estate.

The Committee also **RECOMMENDED** that the Executive Committee resolve to give delegated authority to the Executive Manager – Capital Programme to finalise arrangements with NHS Shetland, by 31 May 2013, on the basis that these are in line with the Heads of Terms set out in the letter of 21 February 2013 from the Council to NHS Shetland and listed as Appendix 1 to the report.

18/13

New Anderson High School – Appointment of Client Adviser

The Committee considered a report by the Director of Children's Services, which sought authority to engage an adviser to assist the Council project manage the Anderson High School replacement proposed to be constructed at Clickimin, Lerwick.

The Director of Children's Services summarised the main terms of the report, and responded to queries from the Committee.

Decision:

The Committee **RESOLVED** to delegate authority to the Director of Children's Services to negotiate and conclude a contract with the proposed Client Advisor for the new AHS project.

The meeting concluded at 2.50pm.

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Chair