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Date: 4 February 2019

Dear Sir/Madam

You are invited to the following meeting:

**Policy and Resources Committee**  
**Council Chamber, Town Hall, Lerwick**  
**Monday 11 February 2019 at 10am**

Apologies for absence should be notified to Louise Adamson at the above number.

Yours faithfully

Executive Manager – Governance and Law

Chair: Steven Coutts  
Vice-Chair: Emma Macdonald

## **AGENDA**

- (a) Hold circular calling the meeting as read.
- (b) Apologies for absence, if any.
- (c) Declarations of Interest - Members are asked to consider whether they have an interest to declare in relation to any item on the agenda for this meeting. Any Member making a declaration of interest should indicate whether it is a financial or non-financial interest and include some information on the nature of the interest. Advice may be sought from Officers prior to the meeting taking place.

- (d) Confirm the minutes of the meetings held on (i) 11 December 2018 and (ii) 19 December 2018 (enclosed)

## Items

1. Management of Occupational Road Risk Policy  
*HR-01-19*
2. Domestic Abuse and Sexual Violence Strategy 2018-2023  
*CC-08-19*
3. Asset Investment Plan – Business Case – Residential Childcare  
*CPS-01-19*
4. Taxi Tariff Review  
*DV-03-19*

***The following item contains EXEMPT information***

5. Infrastructure Services Department - Executive Management Restructure  
*ISD-01-19*



## **MINUTES**

## **A & B - Public**

**Special Policy and Resources Committee**  
**Council Chamber, Town Hall, Lerwick**  
**Tuesday 11 December 2018 at 10.00am**

**Present:**

A Cooper	S Coutts
S Leask	E Macdonald
R McGregor	I Scott
C Smith	G Smith
T Smith	R Thomson

**Apologies:**

A Duncan

**In Attendance:**

M Sandison, Chief Executive  
C Ferguson, Director of Corporate Services  
N Grant, Director of Development Services  
D Bell, Executive Manager – Human Resources  
J Manson, Executive Manager - Finance  
J Riise, Executive Manager – Governance and Law  
J Thomason, Management Accountant – Project Team  
T Coutts, Project Manager  
P Wishart, Solicitor  
D Evans, Human Resources Adviser  
C Anderson, Senior Communications Officer  
L Adamson, Committee Officer

**Advisers:**

A Cameron, Anderson Strathern [by phone]  
C Healy, Deloitte LLP  
S Kirker, HISA Vice President

**Also In Attendance:**

P Campbell, Chair of Shetland College Board  
A Williamson, Project Team  
J Clark, Project Team

**Chairperson**

Mr Coutts, Leader of the Council, presided.

**Circular**

The circular calling the meeting was held as read.

The Chair welcomed Ms A Cameron, Anderson Strathern, who was linking to the meeting by phone, and also the attendance at the meeting of Mr P Campbell, Chair of the Shetland College Board.

### **Declarations of Interest**

None

**The Leader moved that the Committee would exclude the public, in terms of the relevant legislation, during any consideration of Appendix 4 to the following item of business. Mr G Smith seconded, and the Committee concurred.**

87/18      **Effective and Sustainable Tertiary Education, Research and Training in Shetland Project - Full Business Case**

The Committee considered a report by the Chief Executive (DV-46-18), which presented information on the Full Business Case for the Effective and Sustainable Tertiary Education, Research and Training in Shetland Project. (A letter from UHI and the Scottish Funding Council on the merger to form a single college in Shetland, was tabled at the meeting (Record Appendix A)).

In her introduction, the Chief Executive advised that this key project is part of the Council's Service Redesign Programme (SRP). She advised that the External Auditors in considering the SRP commented on their confidence that the Council will see through the SRP to ensure progress and delivery of those projects, and that the merger of the Colleges is an opportunity in that regard. She reported that the Tertiary Sector is absolutely critical to the 10 Year Plan for Shetland, to attract people to live, work, study and invest in Shetland. Education is key to deliver the outcomes as a community, where a strong community needs a strong education sector, particularly to address inclusion and equality. It is also known that education is significant in terms of wellbeing outcomes of individuals throughout their lives. She said that managing change and the decision making process is critical for staff at Train Shetland and at the College, where the process of review and change needs to conclude and to move ahead with a decision of the Council. In that regard, she advised that a decision on the tertiary education sector is critical to demonstrate the Council is a best value authority. The Chief Executive referred to the hard work undertaken by the Project Team to deliver the comprehensive report and supporting papers, and she said that the merger would be the best for Shetland.

The Project Manager gave a presentation entitled "Efficient and Sustainable Tertiary Education, Research and Training in Shetland" (copy of slides attached as Record Appendix B), which informed on the background to the project, and detailed the strategic, economic, commercial and management cases for the preferred option, the new College model. The presentation also included a video where students advised on their positive experiences of studying in Shetland. In referring to the joint response from the Scottish Funding Council and UHI tabled at the meeting, the Project Manager highlighted their support to create the new merged college. He also advised on the outcomes from reporting the project to the Employees JCC and College Lecturers JCC. During the

presentation, the Management Accountant – Project Team advised on the financial case, and Mr Healy, Deloitte, provided an overview from the Financial Assurance report, at Appendix 3. In concluding the presentation, the Project Manager advised on the support for the merger at recent meetings of the Shetland College Board and Education and Families Committee, and in that regard he presented the recommendation to the Policy and Resources Committee.

The Chair thanked the Project Manager, Management Accountant – Project Team and Mr Healy, Deloitte, for the information provided.

*(The Committee adjourned at 10.55am, and reconvened at 11.05am).*

In responding to a request for clarity on the change of date on the joint letter from the UHI and SFC, as tabled at the meeting, the Chief Executive explained that she had been provided with early sight of the draft unsigned letter on 7 December to make sure it covered the requirements to present to elected Members. The letter was subsequently signed on 10 December. Comment was made that it was disappointing that the letter had not been presented at yesterday's Education and Families Committee, where it was advised that the level of assurance from the UHI and SFC was now less than what had been alluded to at yesterday's Committee. In responding, the Chief Executive advised from the negotiations to transfer the operating costs to the SFC and UHI. She outlined the process whereby a detailed bid would be submitted to the SFC, through the UHI, to determine the level of funding for Shetland, which she anticipated would be considered in a very positive light.

During the discussion, and in responding to questions, the Project Manager reported on the findings from recent skill surveys of employers from a range of sectors and sizes. He advised that the main issues raised in terms of local recruitment were the low uptake and standard of candidates coming forward for interview, where the key requirements identified were communication skills, timekeeping and working in partnership. Regarding the uptake of courses run by the College, and on industry needs for the future, it was acknowledged that for certain courses, for example engineering, the equipment and skills set locally was no longer up to industry standards and this would be linked to the lack of investment and the capacity of courses to change. It was however advised that with a degree of focus and engagement with industry, courses could be altered to better meet industry needs, and the students who currently attend courses off-island could then study in Shetland. The Project Manager advised of the concern that in some instances employers are not contacting the College to find out the courses available, where he acknowledged that communication was an area for improvement. He added that while there had been some indication that courses are not taken up due to their timings, the quality of the courses has not been highlighted as an issue. The Project Manager clarified however that the curriculum of the new college will be the task of the Principal, with the supporting role of the Shadow Board.

In responding to a question, the Chief Executive advised from the discussions with UHI on the potential to develop summer schools in Shetland, particularly around the creative industries. She confirmed that

the lecturers have been including the summer schools in their forward planning.

In response to questions relating to the cost of short courses provided by Train Shetland, it was advised that there will be savings through moving to the new model, but that the focus would be on continuing to provide quality courses. It was advised that while the Business Case provided some indication of costs, the future structure would not be a decision of the Council, but for consideration by the new Principal and Shadow Board. There was some discussion on the deficit in Train Shetland that has been included in the model and on the impact on the staff in Train Shetland. In that regard assurance was given on the increased support, staff engagement and pastoral support to students in the new model, where there will no longer be "Train Shetland", but a single organisation where skills will be required but used in different ways.

During the discussion, an update was given on proposals for research within the new model, where Shetland's involvement in Marine Spatial Planning was highlighted as a niche activity, and where there is potential for development.

In response to concerns raised, where comment was made on different advice received, clarification was provided on the current arrangements for funding and in terms of the ongoing support for Modern Apprenticeships in moving to the new model. In responding to questions, it was advised that the financial model does not specify numbers pertaining to Modern Apprentices, but includes a range of courses for all students to access. The Chief Executive advised on a key focus to develop the young workforce and for industry needs to be met. She said that the new college will have the potential to provide more on-island training than what has been built into the model, and that a focused Principal will engage with industry, and with support of Economic Development, will also develop the right solutions for off-island and on-line training. It was also reported on the need for early and in depth discussion and engagement between the new Principal and the Construction Industry Training Board (CITB). The Chief Executive confirmed that the new model college will not impact on the apprentice scheme for any employer, and that Modern Apprentices will continue to be a priority area. The Director of Development referred to the objective in the 10 Year Plan to achieve 175 Modern Apprentice starts each year, where at this time the numbers are above 135. He confirmed that the growth area of care, and other growth should be covered. He said that there was however a need to engage more with employees to promote the courses at the College, and he confirmed that Modern Apprenticeships will become more important going forward and represents huge opportunities for the College in Shetland.

In responding to a question relating to the lease arrangements between the Council and the new college, Mr Healy explained that it would not be in the Council's interest to set up the new college then start charging an inordinate rent. In that regard, he advised that while the rent of the building will be a future decision made by Council Members, the expectation is that a nominal rent will be set. It was also advised that the maintenance of the college building will be part of the operating costs on the occupier.

In responding to questions, the Committee were advised on the areas where adjustments have been made in the new model, and on the support services to be bought in and on recharges.

Mr G Smith advised on another area of concern, being the ability to set the salary for the post of Principal at a level to attract the calibre of person capable to take forward this huge change management. The Chief Executive reported from the HR work stream on the external expertise utilised to benchmark the post to attract candidates from within the tertiary education sector. She also advised that activity around the merger will be supported by an external Project Manager, the SFC and UHI, and a project team.

In responding to questions, it was confirmed that from considering all contingencies, a model of merging both the Shetland College and Train Shetland, without the NAFC Marine Centre, would be financially sustainable outwith the Council. The Chief Executive however referred to the Council's role to support the best outcomes for Shetland as a whole, and in that regard to support the merger with the NAFC Marine Centre. In that regard, she referred to the Council's outcomes in terms of workforce development, the importance of the marine sector to Shetland's economy, the huge demand in that sector, and the benefits to have the capacity for that training to be delivered locally.

Mr G Smith enquired on the Council's proposals going forward to be a competitor to the new college in terms of the delivery of e-learning. The Committee were informed on the support for the new college to deliver training in a manner required by the Council; the college would be encouraged to develop e-learning modules, and there would be a willingness to invest to get systems in place for the benefit of both organisations. It was acknowledged that this was an area of business development for the College, where there would be huge opportunities.

In responding to questions, the Chief Executive advised that engagement would take place with various bodies to access funds for research, and that again that would be an area for the Principal to be active in.

In responding to a question relating to pension cessation costs for the NAFC Marine Centre, the Chief Executive advised from earlier discussions as to whether the costs could be met from the SFC and UHI. However, she advised that it has now been confirmed the SFC and UHI are not legally bound to commit to the cessation costs or guarantee. There is an expectation that the Council may be the appropriate agency to address the cessation costs, provide the guarantee and address the issue of property, and that the Council would transfer the ongoing deficit funding to the SFC and the UHI. In terms of the pension cessation costs, Mr Cooper advised from his previous involvement in this area, and on the need to ensure this is a timeous process.

The Chief Executive said that as the cessation costs and guarantee had not been included in the financial model, that in terms of the Council's commitment to move ahead to resolve the pension liability, whether there

was a need for her to be granted delegated authority in that regard. During the discussion, the Executive Manager – Governance and Law suggested that recommendation 1.2(f) adequately addressed the Chief Executive's level of delegated authority to achieve the merger. However, there was also a proposal on the need for a separate recommendation, with the cessation costs likely to be substantial, and on the need to move timeously to a financial close.

Mr G Smith made reference to what had previously been understood to be commitment from the SFC and UHI to support the new college, but in referring to the joint letter he said that the reality does not quite match up on the earlier sentiments expressed. In response to a question, Mr Healy, Deloitte, advised on the difficulty at this time for the SFC and UHI to commit on funding until it is known how much is being requested. The Chief Executive advised that a draft bid has been prepared through a joint process with the UHI and SFC which required minor adjustments to be made. She confirmed that the UHI and SFC will only refer to the bid process at this stage and the final bid will be worked up with the involvement of UHI and SFC. The Chief Executive advised that elected Members will be kept informed on the discussions, and advised that the bid will be approved before a move into the next stage of merger.

During debate, Mr Campbell, Chair of the Shetland College Board, spoke in support of the proposed merger, and he advised that yesterday's College Board was fortunate to have input from M Devenney, FE/HE Consultant, S Kirker, HISA Vice President and also S Drysdale, Scottish Funding Council. He advised on the significance of yesterday's meeting, being the most important meeting in terms of the decision made for the merger, which supports the aspiration if the Shetland Partnership Plan to grow the working population and for the retention and training of your people in Shetland. Mr Campbell referred to the support for the merger from both the Shetland College Board and also Education and Families Committee, and he urged that Members of the Policy and Resources Committee and the Council do likewise.

Mr G Smith advised that following a fulsome discussion, yesterday's Education and Families Committee had taken a similar view to that of the Shetland College Board.

Mr Coutts, Leader of the Council, advised that the Policy and Resources Committee, through the Shetland College Board and Education and Families Committee have received assurance in terms of the curriculum led approach which he said is critical to the process. He advised however that it has been clear through the questions and answers today that there is uncertainty but also that the merger is a massive opportunity to do the best for the community. He said that the Chief Executive and officers have commented on the Service Redesign Programme and on the importance of this project to the community as a whole. The Leader advised on the need to prioritise the project at significant pace and commended the project team and all involved on the collaborative nature of the process. He advised that the Shadow Board and the Principal designate will have a key role in continuing this. The Leader advised on the opportunity costs aspect, and referred to the decision of the Council on the pension and property



costs. He confirmed that the Council is very committed to the project, which is financially sustainable due to the commitment made by the Council in that regard. Mr Coutts moved that the Committee approve the recommendations as set out in Sections 1.1 and 1.2 of the report, and to take on board the delegation to the Chief Executive in terms to the pension cessation costs. In that regard, it was agreed for recommendation 1.2(g) to be amended to read, “approve the provision of a guarantee against the pension liability of the merged college to the Shetland Islands Pension Fund (SIPF); and if triggered, by a positive decision by the NAFC Marine Centre to also merge with the new College, that suitable arrangements be made for pension cessation costs”.

Mr Cooper seconded.

Mr G Smith advised that he supported the recommendations going forward, where he referred to the very upbeat messages that have been relayed that will be realised by the merger to ensure a vibrant tertiary education sector. He said that in many ways the die has now been cast, and it is for the Principal and Shadow Board to work within the financial envelope which he hoped was big enough to realise the outcomes that the Council would want to achieve.

Mr Cooper commented that he would anticipate that some of the £12m savings will be used to upgrade the College and to provide courses that organisations will require. In responding, Mr Campbell advised on the opportunity to submit further bids to the SFC for specific investment.

#### **Decision:**

The Committee RECOMMENDED that the Council RESOLVES to:

- NOTE (a) the content of the Full Business Case (FBC) for the Effective and Sustainable Tertiary Education, Research and Training in Shetland Project (hereafter referred to as ‘the Project’); and (b) supporting documents from the Project’s financial and legal advisers confirming that the FBC has been prepared in accordance with best practice and that there are no material obstacles to merger; AND
- APPROVE the merger of Shetland College, NAFC Marine Centre and Train Shetland.
- DELEGATE authority to the Chief Executive (or her nominee) to procure and engage a Project Manager, specialist financial and legal services, and any other specialist services or advice required to implement the merger;
- DELEGATE authority to the Chief Executive (or her nominee), in partnership with the Chair of SFTCT, and in consultation with the Leader of Shetland Islands Council and the Chairs of the Shetland College Board and the Education & Families Committee, to take any actions and decisions required to establish and resource the recruitment panel for the Principal Designate, as described in the FBC;

- DELEGATE authority to the Chief Executive (or her nominee) to realise arrangements for property assets resulting in usage of the Council-owned properties for a minimal value transaction to the new college;
- DELEGATE authority to the Chief Executive (or her nominee), in consultation with the Leader of Shetland Islands Council and the Chairs of Shetland College Board and Education & Families Committee, to liaise with, negotiate, or otherwise engage with the other parties to the merger and with any regulatory, parliamentary, statutory or other bodies and generally to take any action and take any decision necessary to achieve the outcomes of the decision to fulfil the aims of the decision to merge;
- APPROVE the provision of a guarantee against the pension liability of the merged college to the Shetland Islands Pension Fund (SIPF); and if triggered, by a positive decision by the NAFC Marine Centre to also merge with the new College, that suitable arrangements be made for pension cessation costs;
- AGREE that the delegation of authority granted to the Shetland College Board on 29 June 2016 [Min. Ref. SIC 53/16] to support potential further stages of the Project remains in place until August 2020.

The meeting concluded at 12.45pm.

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Chair



## **MINUTES**

## **B - PUBLIC**

**Policy and Resources Committee**  
**Council Chamber, Town Hall, Lerwick**  
**Wednesday 19 December 2018 at 10.00am**

**Present:**

A Cooper	S Coutts
A Duncan	S Leask
E Macdonald	R McGregor
I Scott	C Smith
G Smith	T Smith
R Thomson	

**Apologies:**

None

**In Attendance:**

S Bokor-Ingram, Director of Community Health and Social Care  
C Ferguson, Director of Corporate Services  
J Smith, Director of Infrastructure Services  
D Bell, Executive Manager – Human Resources  
J Manson, Executive Manager - Finance  
S Msalila, Executive Manager – ICT  
J Riise, Executive Manager – Governance and Law  
R Sinclair, Executive Manager – Capital Programme  
J Sutherland, Executive Manager - Children's Resources  
C Symons, Executive Manager – Environmental Services  
N Watt, Executive Manager – Sports and Leisure  
C Bain, Treasury Accountant  
M Gordon, Team Leader – Human Resources  
C Anderson, Senior Communications Officer  
L Adamson, Committee Officer

**Chairperson**

Mr Coutts, Leader of the Council, presided.

**Circular**

The circular calling the meeting was held as read.

**Declarations of Interest**

Mr T Smith declared an interest in Item 14 “Asset Investment Plan – Business Case – Residential Childcare” as a Board Member of Hjaltsland Housing Association. Mr Smith advised that he would leave the Chamber during that discussion.

Mr Thomson advised on a possible interest in Item 14, “Asset Investment Plan – Business Case – Residential Childcare” and indicated that he would leave the Chamber during the discussion.

### **Minutes**

The minutes of the meeting held on 8 October 2018 were approved on the motion of Mr Leask, seconded by Mr T Smith.

88/18      **Corporate and Executive Services Directorate Performance Report - 6 Month/2nd Quarter 2018/19**

The Committee considered a report by the Director of Corporate Services (CRP-27-18-F) summarising the activity and performance of Corporate and Executive Services for Q2 2018/19.

In introducing the report, the Director of Corporate Services referred to Section 4.9 which set out the key projects that are progressing at this time.

There were no questions from Members.

During debate, comment was made that the projects listed in Section 4.9 highlight the value of the work undertaken by Corporate and Executive Services and the support provided to other areas of the Council.

#### **Decision:**

The Committee NOTED the content of the report.

89/18      **Chair's Report - Environment and Transport Committee Management Accounts for Environment & Transport Committee: 2018/19 - Projected Outturn at Quarter 2**

The Committee considered a report by the Chair of Environment and Transport Committee (P&R&SIC-1219-F081) that enabled the Committee to consider the recommendation from Environment and Transport Committee. The report required decisions by Policy and Resources Committee and the Council.

The Chair of Environment and Transport Committee introduced the report.

In referring to the questions raised at Environment and Transport Committee, the Director of Infrastructure Services provided Members with further detail on the proposals for the disposal of fish waste through the Waste Recycling Plant. In responding to questions, the Director of Infrastructure Services undertook to advise Councillor G Smith on the anticipated tonnage of fish waste through the Waste Recycling Plant. He also confirmed his intention to advise producers on the limitations on the tonnage of fish waste through the Plant.

In response to a question, the Director of Infrastructure Services undertook to provide Councillor Leask with information on recycling proposals for the disposal of plastic waste from farms and crofts.

Mr Thomson moved that the Committee approve the recommendation in the report. Mr McGregor seconded.

### **Decision:**

The Committee RECOMMENDED that the Council APPROVE the proposed new waste disposal charges set out in detail in Appendix 1, with effect from 20 December 2018.

90/18

### **Management Accounts for Community Health and Social Care Directorate 2018/19 - Projected Outturn at Quarter 2**

The Committee considered a report by the Executive Manager – Finance (F-078-F) which provided information on the Management Accounts for the Community Health and Social Care (CH&SC) Directorate showing the projected outturn position at Quarter 2.

In introducing the report, the Executive Manager – Finance highlighted the decision required relating to the transfer of £130K from the Council's contingency budget to the Directorate.

There were no questions from Members.

In referring to the projected underspend on capital as reported at Appendix 2, the Leader commented that he welcomed the update provided relating to the Eric Gray Replacement build, that the project was on schedule, with the overall project to be delivered on budget.

On the motion of Mr Coutts, seconded by Mr Duncan, the Committee approved the recommendations in the report.

### **Decision:**

The Committee reviewed the Management Accounts for the Community Health and Social Care Directorate showing the projected outturn position at Quarter 2; and RESOLVED to:

- RECOMMEND to the Council that it approves an increase in the payment for 2018/19 to the Community Health and Social Care Partnership Integration Joint Board of £130k, recognising the transfer of Cost Pressure and Contingency budget held by the Council and miscellaneous budget changes, as detailed at 4.2 below. This will increase the payment for 2018/19 to £20.955m; and
- AGREE the actions set out by the Director of Community Health and Social care in paragraph 4.5 to mitigate the projected overspend.

91/18

### **Management Accounts for Policy and Resources Committee: 2018/19 - Projected Outturn at Quarter 2**

The Committee considered a report by the Executive Manager – Finance (F-090-18-F) which presented the projected outturn position for 2018/19 as at the end of the second quarter for revenue and capital.

In introducing the report, the Executive Manager – Finance referred to the £16k projected overspend on revenue, and confirmed the need to minimise expenditure going forward. In terms of capital, he advised that while there

were no significant variances there was a requirement for slippage on the Lerwick Library project and Knab Site Redevelopment into 2019/20.

In responding to questions, the Executive Manager – Finance provided further detail on the main variances on revenue as reported in Section 1.1. The Executive Manager – Capital Programme undertook to provide more detail to all Members on the lease arrangements at 6 North Ness which had resulted in the additional cost to the Council.

In responding to a question as to whether cost pressure and contingency budgets were available to all departments, the Director of Corporate Services confirmed that there was no restriction regarding who could apply for funding to support change projects. Requests would also be considered that would see funds go to Community Planning Partners and the Third Sector where projects meet the criteria and deliver against the Council's objectives and outcomes targets.

**Decision:**

The Committee NOTED the Management Accounts showing the projected outturn position at Quarter 2.

92/18

**SIC Overall Management Accounts 2018/19 - Projected Outturn at Quarter 2**

The Committee considered a report by the Executive Manager – Finance (F-076-F) which set out the overall Council projected financial position as at Quarter 2.

In introducing the report, the Executive Manager – Finance reported that actions were required to mitigate the projected overspend of £613k by the end of the financial year. He also advised that at the end of Quarter 2 there is an expectation to draw down £3.6m less from reserves than had been projected.

During debate, the Leader acknowledged the work undertaken to achieve savings this year, but advised on the overarching aspect being the ongoing challenging financial situation and the uncertainty on the funding from Scottish Government. Further comment was made to the over budget reporting at the functional Committees this cycle, where it is evident that it is becoming more challenging for Directorates to realise efficiencies and savings. The reality being that unless there is a move towards a fairer settlement from Scottish Government, it will become more difficult to maintain the level of services that the Shetland community expect and deserve.

Mr Coutts moved that the Committee approve the recommendation in the report. Ms Macdonald seconded.

**Decision:**

The Committee RECOMMENDED that the Council RESOLVES:

- To review the Management Accounts showing the overall projected outturn position at Quarter 2.
- To note that each Director will continue to monitor spend and take actions to mitigate any projected overspends as set out in the service committee reports.

93/18

**Council Investments - 2018/19 Mid-Year Performance Review Report**

The Committee considered a report by the Executive Manager – Finance (F-086-F) which enabled the Committee to review the 2018/19 mid-year investment position and performance of the Council's long term external investments, managed on its behalf by Fund Managers.

In introducing the report, the Executive Manager – Finance advised on the overall value of investments at the end of September 2018 being £354m, with the overall Council investment return for the 6-month period at 7.6%, being 0.1% above the benchmark return. He also reported on the volatility in the equity markets since September, which has resulted in the investment value falling to £338m. In referring to the new Investment Strategy, he advised on the work being undertaken to move from passive equities towards direct lending and diversified alternatives, and in that regard Members would be invited to presentations from Fund Managers on their investment mandates early next year.

In responding to questions, the Executive Manager – Finance acknowledged that there will always be uncertainty and fluctuating returns from investing. He reported however on the Council's strategy to take a long-term view to smooth out volatility, where the Council has a diversified portfolio for Fund Managers to invest, and with a sustainable draw on reserves for the medium-term a prudent plan and model is in place to meet the long-term objectives.

During debate, the Leader commented on the importance to invest for the long-term, and to continue to use reserve sustainably for the benefit of the community.

**Decision:**

The Committee NOTED the outcome of the Mid-Year Review.

94/18

**Business Transformation Programme - Update Report**

The Committee considered a report by the Director of Corporate Services (CRP-19-18-F) that provided an update on the Business Transformation Programme Phase 2.

In introducing the report, the Director of Corporate Services highlighted the progress made on the Digital First Work Stream, including the implementation of the Council's new website. In reporting on Work Stream 9, "Performance Management and Reporting" she referred Members to the Project Initiation Document (PID) at Appendix D, where she outlined the project deliverables and proposed method of delivery. She also highlighted the membership of the Project Sounding Board, advising on the proposal to include a Chair of a Council Functional Committee to promote the

Council's performance reporting and support the work of the Shetland Partnership to realise their priorities, and advised that nominations would be sought in that regard.

During the discussion, reference was made to Page 6 of the PID and to the proposed involvement in the Performance Management and Reporting project by Community Planning Partners, where comment was made that while local organisations would embrace the principles for change, there could be less enthusiasm from the national organisations. The Director of Corporate Services advised however that the initial focus and key priority would be with the NHS, where the proposal would be for discussions to take place with other partners during the preparation of the Shetland Planning Partnership's Delivery Plans.

In responding to questions, the Executive Manager – ICT reported on the concerns with the Scottish Government's R100 programme in terms of funding and timescales, where the delivery of the proposals will be reliant on other solutions. She gave an update on the roll out of 4G, where she advised on the issue on the lack of information being provided. She added that while no mobile operator would appear to have the long-term solution, the Council would continue to explore opportunities going forward. In referring to the roll out of 5G in Orkney, Mr Cooper advised on the need for Shetland to be part of the Government pilot for digital connectivity across Scotland. He stressed the need to press for better connectivity throughout Shetland and to seek local solutions particularly for the difficult to reach areas. Comment was also made on the need to continue to lobby to ensure technology is fit for purpose.

In response to comments relating to the Accommodation Rationalisation Work Stream reported in the BTP Phase 2 Programme Structure at Appendix 1, the Director of Corporate Services apologised for the omission where she confirmed that the acquisition of SLAP and the Asset Investment Strategy should have been included. In response to a question regarding a plan for properties that will soon become vacant, e.g. Montfield offices, the Director of Corporate Services advised on the work progressing on the new Asset Investment Strategy, which she said would be discussed with Members at an informal session and reported to Council during the summer.

In referring to the Performance Management and Reporting Work Stream, Mr G Smith commented on his support for the progress being made, and advised on the importance for the project structure to meet all requirements, working together with the Shetland Planning partners.

The Leader then referred to the vacancy for a Chair of a Council Functional Committee on the Performance Monitoring and Reporting Project Sounding Board. Councillor G Smith was nominated on the motion of Mr Coutts, seconded by Mr Thomson. There were no further nominations, and Mr G Smith confirmed his acceptance.

#### **Decision:**

The Committee



- NOTED and CONSIDERED the information set out in the report and the Appendices;
- ADVISED the Director of Corporate Services of their views on the draft Project Initiation Document (PID) for Work Stream 9 – Performance Management and Reporting; and
- APPROVED nominations for the Sounding Board as set out in the PID.

95/18

### **Service Redesign Programme - Update Report**

The Committee considered a report by the Director of Corporate Services (CRP-20-18-F) that provided information regarding the Council's Service Redesign Programme (SRP).

In introducing the report, the Director of Corporate Services referred to the priority projects in the current financial year as detailed in Section 4.1. In that regard, she reported on the key milestone with decisions recently taken on the tertiary education review, the significant work on transport projects and in Health and Social Care.

In responding to questions, the Director of Infrastructure Services referred to the reporting last cycle on gritting where the focus had been on arrangements over the festive period. He advised that a wider review of gritting would be reported during the first half of next year, which would consider school transport requirements. In that regard, it was suggested that contact be made with the head teachers of schools, and that the Review also take cognisance of the care workers who with a real sense of duty, travel to their clients during horrendous weather conditions.

In response to questions, it was advised that the delayed reporting on the Inter-Island Air Service Outline Business Case is to allow the proposals to consider Scatsta airport, and in terms of any implications following the purchase of SLAP. During the discussion, Mr Thomson advised on his disappointment at the delayed reporting on the Outline Business Case to allow decisions to be made. Regarding the reporting on the Licensing of Island Airports, it was reported that the main focus is work around the Foula airstrip, including operational arrangements and the safety management system. In responding to a question, the Director of Infrastructure Services confirmed that Foula had a full fire response complement at this time.

In response to a request for an update on the project to review mental health services, the Director of Community Health and Social Care reported that the focus has been on assessing individual clients to ensure all requirements are in place before any decisions can be made on efficiencies within the service. He advised on the need to look at all service areas for efficiencies to be identified to address the £200k savings to be realised. During the discussion, comment was made on reassurance given that it may not be necessary to reduce the level of mental health care in Shetland. Reference was also made to the national issues around mental health, and in particular those of young people, where the Scottish Government's recent initiatives in mental health were to be commended. In that regard,

comment was made on the importance to continue focus on mental health in Shetland, and for there to be no reductions in the service locally.

In responding to a question, it was confirmed the transport operators have recently been informed on the decision to extend the existing bus contracts by one year, from August 2019 to August 2020. Mr Thomson advised that the extension is to ensure there is sufficient time to allow for a full review and a sustainable bus service for Shetland.

During the discussion, comment was made on the positive feedback received by the CAA Inspectorate on Tingwall Airport, and the staff involved were congratulated in that regard.

During debate, a Member questioned the need for three airports in Shetland, making reference to the ongoing cost pressures and to the savings to be achieved within the Council over the next 5 years. Comments were made that the information sought on the cost to the Council to run Tingwall Airport was still awaited, and that the airport could not be justified in terms of emergency landings, as helicopters can land at the landing site at Clickimin, near to the hospital. Reference was also made to the comparison between Shetland and Orkney, where Orkney has only the one airport.

Reference was made to the nature of the SRP in terms of the decisions to be made to agree the priorities to be taken forward. In that regard, a plea was made for sufficient resources into projects to allow officers to timeously present detailed information, while bearing in mind other pressures of work. The Leader made reference to the Tertiary Education Review where the Council resourced a dedicated project team to develop the business case, and decisions have been made that meet the needs of the community. In terms of prioritisation of projects within the SRP, the Leader acknowledged a difficulty as Members have different opinions in terms of the priority areas. The Leader acknowledged the work officers have undertaken in taking forward projects within the SRP, where he said that Members had to be mindful that progress on some other areas of work may be impacted.

#### **Decision:**

The Committee NOTED the information presented in the report and its appendices.

96/18

#### **External Audit Annual Report 2017/18 - Update on Recommendations**

The Committee considered a report by the Director of Corporate Services (CRP-21-18-F) that provided an update on the progress made to address recommendations highlighted within the External Audit Annual Report 2017/18.

The Director of Corporate Services introduced the report, and referred to the updates to the Annual Audit Action Plan as presented at Appendix 2. She advised on the areas of discussion when the report had recently been presented to Audit Committee, which had included the valuation of property assets, property sales and leases, participatory budgeting, community choices and the Graduate Placement Scheme.

During the discussion, it was questioned whether there was the confidence in the Council to challenge opinion of the external auditor, where particular reference was made to their opinion on best value in the community. In responding, the Director of Corporate Services said that from an officers point of view, the best response in reacting to any challenge would be to demonstrate outcomes and produce evidence. She also advised on the proposals going forward to share more information with the external auditors and improve dialogue and engagement in terms of the Business Transformation Programme, Service Resign and on Best Value. The Leader acknowledged the importance to challenge opinion, but advised also on the need to be confident as a Council to take an outcomes focus to demonstrate best value for the Council. He referred to the financial challenges on the Council from the reduced grant from Scottish Government, and on the expectation to do more with competing priorities. He advised also that engagement with the external auditors was a two way process, with the aim to achieve the best for our communities.

Reference was then made to the proposals put forward within the Action Plan, for changes to the committee structure and meetings calendar, where clarity was sought on the points raised. The Director of Corporate Services outlined the two recommendations made by Deloitte in that regard, which she advised had been formulated based on feedback from some Members. The Leader commented that a number of the recommendations from external auditors would appear to be consistent across local authorities, and therefore he questioned how specific some were to this Council.

In reporting from his recent attendance at the CoSLA Community Wellbeing Board, Mr Cooper advised that a number of authorities are going well beyond the 1% target to be subject to participatory budgeting, with some local authorities directing up to 6% of their budget. He explained that rather than decisions being made on the distribution of funds to community organisations, discussions are taking place with communities on how particular services should be delivered. Mr Cooper also advised on the software CoSLA is promoting in participatory budgeting, which has been successfully trialled in a number of areas. Mr Cooper offered to provide further information to Members from the Community Wellbeing Board on the initiatives in other local authorities.

During the discussion, a Member questioned why there could not be a greater draw on reserves for the essential services within the community. In responding, the Leader advised on his confidence that boundaries were being pushed in that regard, and on need for the Council to go forward positively, face challenges and make the most of every opportunity and to remain prudent to ensure the Council can continue to provide services.

### **Decision:**

#### **The Committee**

- **CONSIDERED** the information presented in this report, in the appendices and the views of the Council's Audit Committee in this regard; and

- ADVISED the Council accordingly

97/18

**Risk Assessment Update**

The Committee considered a report by the Executive Manager - Human Resources (HR-20-18-F) that provided an update on Risk Assessments, which included Fire Risk Assessments across the Council.

The Executive Manager - Human Resources introduced the report. In providing an update from when the report had recently been discussed at Audit Committee, she advised that Members had welcomed the report and were clear on the assurances provided on the formal arrangements in place for health and safety management. In referring to Section 4.10 of the report, which informed on the Fire Risk Assessments and arrangements in place at the Rural Care Homes, she said that while Members of Audit Committee had been assured on the arrangements in place at residential properties, the findings of the Audit Committee were to ask that Policy and Resources Committee consider commissioning an investigation into the benefits of installing sprinkler systems.

In response to a question, the Executive Manager – Human Resources gave assurance on the fire safety measures in place at the rural care homes. In that regard, she referred to the Fire Risk Assessments completed by trained and competent persons, the annual reviews undertaken by the Fire and Rescue Service in addition to reviews and checks carried out by Council officers.

In referring to the lengthy discussion at Audit Committee, Mr Duncan confirmed that he had accepted the assurances in the report on the risk assessments and fire risk assessments at Care Homes and that all are fully implemented and complied with. He said however that he believed there should be additional fire safety measures, and that sprinkler systems should be installed at rural care homes to protect the vulnerable clientele who can be physically frail, and in some cases staff can be dealing with palliative care. He advised on his concern in relation to the ratio of clients to staff at care homes, while he accepted that the Council complies with Care Inspectorate requirements in that regard. He advised on his further concern should there ever be a fire at a care home that should the local fire response be unavailable, there would be a further delay in back up response attending. He added that should there be an exceptionally bad incident the cost in time and money to the Council could be substantial.

In referring to the recommendation from Audit Committee to Policy and Resources Committee, Mr Duncan moved that an independent adviser be commissioned to investigate and carry out a full risk assessment to be presented to the Policy and Resources Committee of our Care Homes with respect to fire control measures, to assure us, or recommend further preventative measures. This report should include our one local independent provider, with their agreement. Mr McGregor seconded.

During the discussion, some Members spoke in support of the motion, for an investigation to be carried out at this stage, which would ensure that the

best fire safety measures are in place to protect the vulnerable people in the care homes.

However, some Members questioned whether there was a need for such an investigation, when assurance has been given by professionals and those trained in risk assessments that all properties are safe in terms of fire. Reference was also made to the expertise in the Council and in the Fire Service on the health and safety arrangements and fire regulations in place, who are satisfied on the arrangements, and that staff in the care homes are trained in fire safety.

During the further discussion, it was questioned whether sprinkler systems were the modern means to go forward, and that misting systems could be more effective and cause less damage to the building. It was also reported that due to the construction of the rural care homes it could be technically challenging to install sprinkler or misting systems into the buildings.

In response to a concern regarding the cost to undertake the independent review when a business case has not been carried out to establish additional fire safety measures are required at care homes, Mr Duncan advised for the business case to be undertaken and then there could be dialogue with Shetland Charitable Trust, who own the care centres, and also with the independent care provider.

**Decision:**

The Committee:

- NOTED the information set out in this report and the appendices;
- ADVISED the Director of Corporate Services of any additional information required in order for the Committee to be able to provide assurance to the Council regarding the issues covered in the report; and
- ADVISED the Council of the Committees views in this regard, and that given the recommendation from the Audit Committee, for an independent adviser to be commissioned to investigate and carry out a full risk assessment to be presented to the Policy and Resources Committee of our Care Homes with respect to fire control measures, to assure us, or recommend further preventative measures. This report should include our one local independent provider, with their agreement.

98/18

**Active Shetland Strategy**

The Committee considered a report by the Executive Manager – Sport and Leisure (CS-44-18-F) that presented information on the Active Shetland Strategy 2018-2023.

The Executive Manager – Sport and Leisure introduced the report and the Active Shetland Strategy. He highlighted a number of typographical changes that would be made to the Strategy document, and advised on the support for the Strategy at Education and Families Committee.

Mr G Smith confirmed the unanimous support for the Active Shetland Strategy at yesterday's Education and Families Committee, referring to the evidence that more activity can reduce costs in terms of ongoing health issues. He also referred to the partnership working and contribution towards the Shetland Partnership Plan. Mr G Smith moved that the Committee approve the recommendation in the report. Mr Leask seconded.

**Decision:**

The Committee RECOMMENDED that the Council approve the proposed Active Shetland Strategy 2018-2023, and agrees that it replaces the Sports and Physical Activity Strategy within Part A of the Council's Constitution and Policy Framework, to be managed by the Education and Families Committee.

99/18

**Asset Investment Plan - Progress Report**

The Committee considered a report by the Executive Manager – Capital Programme (CPS-10-18-F) providing information on the progress of the projects contained within the Asset Investment Plan which are currently underway in 2018/19.

In introducing the report, the Executive Manager – Capital Programme advised on the requirement to re-profile the Vehicle and Plant Replacement Programme budget as set out in Section 4.5.

During the discussion, while reference was made to the delay to progress the new Toft Pier project due to the uncertainty on external funding, it was however confirmed that proposals for business development at the Pier would be included in the business case when presented to Council.

In response to a comment on the delay with the Ferry Replacement Programme, the Leader advised on a forthcoming meeting with the Minister for Energy, Connectivity and the Islands where the replacement programme would be discussed. The Leader advised that he would update Members following that meeting.

In response to a question, the Executive Manager – Capital Programme advised that he would liaise with the Roads Service for an update to be provided to Members on any proposals for major road improvement projects.

During debate, Mr T Smith commented that he was pleased to note that the works had been undertaken to the Tingwall Airport Hangar door and the project completed under budget.

On the motion of Mr Coutts, seconded by Mr Leask, the Committee approved the recommendation in the report.

**Decision:**

The Committee RECOMMENDED that the Council notes the progress and budget re-profiling of projects within the Asset Investment Plan.

100/18 **Asset Investment Plan - Business Case: ICT Virtual Infrastructure**

The Committee considered a report by the Executive Manager – Capital Programme (CPS-12-18-F) that provided information on a Business Justification Case in relation to ICT Virtual Infrastructure.

After hearing the Executive Manager – Capital Programme introduced the report, and provide a summary of the business justification case, Mr Coutts moved that the Committee approve the recommendation in the report. Mr Cooper seconded.

**Decision:**

The Committee RECOMMENDED that the Council RESOLVES to approve the proposal described in Section 4.3 of the report.

*(Mr T Smith and Mr Thomson left the Chamber)*

101/18 **Asset Investment Plan - Business Case: Children's Resources, Residential Childcare for Looked After Children**

The Committee considered a report by the Executive Manager – Capital Programme (CPS-11-18-F) that presented information on the Strategic Outline Case in relation to Residential Childcare for Looked After Children.

The Executive Manager – Capital Programme introduced the report. In providing a summary of the Strategic Outline Case, he advised on the spend to save proposal and that there was a proposed site available with planning consent. In that regard, he advised on the proposal to progress the project to a full business case.

During the discussion, reference was made to the discussion at Education and Families Committee where it had been confirmed that the Full Business Case would consider alternative sites to ensure the best long term solution. The Executive Manager – Capital Programme provided an indicative timescale for the project, advising on the intention to be on-site in September 2019 followed by the construction period of approximately one year.

During debate, Mr G Smith advised that the proposals set out in the report will improve the outcomes for young people in care. He advised on the support for the preferred option for a new build residential childcare service, noting that there is a preferred location but that other locations will be considered as part of the business case. Mr G Smith moved that the Committee approve the recommendation in the report. Mr Duncan seconded.

**Decision:**

The Committee considered the recommendation from Education and Families Committee; and RECOMMENDED that the Council RESOLVES to instruct the Director of Children's Services to develop a Full Business Case in relation to Residential Childcare for Looked After Children, as described in Appendix A to the report for consideration at the next available committee cycle.

*(Mr T Smith and Mr Thomson returned to the meeting).*

102/18 **Policy and Resources Business Programme 2018/19**

The Committee considered a report by the Director of Corporate Services (CRP-25-18-F) that enabled the Committee to consider its business planned for the remaining quarter of the current financial year.

The Director of Corporate Services introduced the report.

During a brief discussion, reference was made to a special meeting of the Council to be arranged for 16 January 2019 where detail would be provided on the provisional settlement from the Scottish Government.

**Decision:**

The Committee NOTED business planned for the remaining quarter of the current financial year.

103/18 **Corporate Risk Register**

The Committee considered a report by the Director of Corporate Services (CRP-24-18-F) that highlighted recent changes and presented the current Corporate Risk Register.

The Director of Corporate Services introduced the report.

There were no questions, and the Committee noted the report.

**Decision:**

The Committee NOTED the content of the report.

**Mr Coutts 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. Ms Macdonald seconded.**

*(The media left the meeting).*

*(Mr G Smith left the meeting).*

*(Mr Coutts left the meeting. Ms Macdonald, Vice-Chair of the Committee, took the Chair).*

104/18 **Confidential Corporate Risk Register**

The Committee considered a report by the Director of Corporate Services that presented the current Confidential Corporate Risk Register and which complements the Corporate Risk Register report, as presented earlier on this meeting's agenda.

The Director of Corporate Services introduced the report, and gave an update on Risk R00007.



**Decision:**

The Committee NOTED the content of the report.

105/18 **Asset Investment Plan - Business Case - Staff Travel (Care at Home Service)**

The Committee considered a report by the Executive Manager – Capital Programme, that presented information in relation to a Business Justification Case for a Staff Travel Project for the Care at Home Service.

The Executive Manager – Capital Programme introduced the report, and provided a summary of the Business Justification Case.

In responding to questions from Members, the Executive Manager – Environmental Services advised on the make and model of vehicle proposed, which he said had been decided following consultation with Care at Home staff. He reported that the small cars proposed are very efficient and would be fitted with modern safety electronics and tyres appropriate for the Shetland roads. Each driver will be allocated a PIN number to monitor driver safety, receive instruction in terms of familiarisation on the car and systems, and would be insured through the Council's insurance. In responding to a further question, he advised on the proposal to start roll out of the vehicles from April 2019, and to stagger implementation on a Care Home basis.

During debate, reference was made to the Case Study, where the Isleshavn care at home team who had trialled a Council provided vehicle had reported as feeling more valued, safer due to the vehicle tracking and less vulnerable to vehicle breakdown.

On the motion of Mr T Smith, seconded by Mr Thomson, the Committee approved the recommendation in the report.

**Decision:**

The Committee RECOMMENDED that the Council RESOLVES to approve the recommendation in the report.

The meeting concluded at 1.30pm.

.....  
Chair





<b>Meeting(s):</b>	Central Safety Consultative Committee LNCT EJCC CLJCC Policy & Resources Committee	24 January 2019 21 January 2019 23 January 2019 24 January 2019 11 February 2019
<b>Report Title:</b>	Management of Occupational Road Risk Policy	
<b>Reference Number:</b>	HR-1-19-F	
<b>Author / Job Title:</b>	Denise Bell Executive Manager – Human Resources	

## 1.0 Decisions / Action required:

- 1.1 That the LNCT, EJCC, College Lecturers JCC and Central Safety Consultative Committee consider and support the new Management of Occupational Road Risk Policy.
- 1.2 That Policy and Resources Committee RESOLVE to approve the new Policy on the Management of Occupational Road Risk.

## 2.0 High Level Summary:

- 2.1 Driving for work is one of the highest risk activities that employees carry out. The HSE estimate that "more than a quarter of all road traffic incidents may involve somebody who is driving as part of their work at the time." The Council undertakes a variety of measures to minimise the risks that driving at work presents, but currently has no Policy to ensure that this is carried out on a consistent basis.
- 2.2 An early draft Policy was presented to Central Safety Consultative Committee and consulted on through the network of safety forums and through a Working Group. As a result of this consultation a number of changes have been made to the early draft Policy.
- 2.3 This amended policy and the Driver Handbooks that accompany it will enable this area of risk to be managed across the Council in an appropriate manner.

## 3.0 Corporate Priorities and Joint Working:

- 3.1 Promoting and protecting the health, safety and well being of Council staff and service users contributes to the Corporate Plan Aims of 'Protecting Vulnerable and Disadvantaged people' and also contributes to the aim of 'Being a Properly Led and Well managed Council'.
- 3.2 All new and revised health and safety policies are now developed in consultation with NHS Shetland. Due to the significant differences in the way that each organisation manages its fleet it was agreed that each organisation required its own Policy, although they mirror each other as much as possible.

#### **4.0 Key Issues:**

- 4.1 Police road accident data shows that every year over 500 people are killed (almost one third of all road deaths), 5,000 seriously injured and almost 40,000 slightly injured in collisions involving drivers or riders who are driving for work. This includes other road users, as well as at-work drivers and riders themselves. Most of those killed on work-related journeys are passengers, pedestrians and riders rather than the at-work drivers and riders. Shetland Islands Council (SIC) is obliged to manage the risks that arise from driving all types of vehicles on Council business, whether in the SIC fleet or arising from the use of employees own transport used whilst at work.
- 4.2 The Health & Safety at Work etc Act 1974 requires employers to take appropriate steps to ensure the health and safety of their employees and others who may be affected by their activities when at work. This includes the time when they are driving or riding at work, whether in a company or hired vehicle, or in the employee's own vehicle.
- 4.3 Following the Glasgow City Council incident of a fatal accident involving a refuse collection vehicle, consultation has taken place across the Council to ensure that means are put in place to monitor the health of drivers to enable them to drive safely and without risk to themselves or others. This is in addition to the statutory requirements of the Driver and Vehicle Licensing Authority.
- 4.4 The Management of Occupational Road Risk Policy has been developed to ensure that the Council is fulfilling its statutory requirements, as well as enabling management of drivers to ensure their health and safety, and the safety of anyone who may be affected by their driving. It places particular emphasis on Safety Critical drivers. These are drivers who drive Category 2 vehicles (lorries and buses) and those who transport children or vulnerable adult service users during the course of their employment. These present the highest risk insofar as an incident is more likely to give rise to multiple injuries as in the case of the Glasgow City Council incident.
- 4.5 A Working Group was set up to look in further detail at GDPR compliance and other Regulatory issues these areas and relevant changes have been made to the Policy to accommodate these matters. In particular this includes:
- The initial Drivers Health Questionnaire has been replaced with a Drivers Declaration. This is a declaration that is made every 3 years by Safety Critical drivers which relates to their current health status and driving licence and confirms that they are safe and entitled to drive on Council business. This does not collect personal information on any medical condition whilst still enabling drivers to be monitored. There is still a requirement for relevant staff to inform their line manager of anything that may affect their ability to drive whilst at work as it arises.
  - The early draft of the Policy excluded anyone from driving on Council business unless they held a full, valid driving licence, even in those parts of Shetland where this is not a legal requirement. Concerns were raised regarding the number of staff with only provisional licences who provide care in clients homes in such areas as it was felt that this requirement would have a significant impact on service delivery. Therefore, this has been amended to allow non Safety Critical drivers only to

continue to drive on a provisional licence. This reduces risk whilst enabling service delivery to be maintained.	
<b>5.0 Exempt and/or confidential information:</b>	
5.1 None	
<b>6.0 Implications :</b>	
<b>6.1 Service Users, Patients and Communities:</b>	The Council takes a range of measures to ensure that appropriate steps are taken to protect and promote the health and safety of those affected by Council activities.
<b>6.2 Human Resources and Organisational Development:</b>	The implementation of a Policy to Manage Occupational Road Risk will have a positive impact on staff by ensuring that their health, safety and welfare is adequately managed when driving as part of their role within the Council.
<b>6.3 Equality, Diversity and Human Rights:</b>	There is no requirement for an equality assessment.
<b>6.4 Legal:</b>	The Council has a statutory duty to ensure that where driving activity is undertaken it is carried out safely and without risk for all employees and members of the public who interact with our services and activities.
<b>6.5 Finance:</b>	There are no direct financial implications arising from this report. Discussions with the Occupational Health Physician have indicated that any referrals to Occupational Health arising from this Policy are likely to be low and would be met from within existing budgets.
<b>6.6 Assets and Property:</b>	None
<b>6.7 ICT and new technologies:</b>	None
<b>6.8 Environmental:</b>	There are no implications for the local environment and a Strategic Environmental Impact Assessment is not required.
<b>6.9 Risk Management:</b>	The management of risks arising from driving is essential to provide relevant services within the Council.
<b>6.10 Policy and Delegated Authority:</b>	All matters which relate to staffing are referred to the Employee's Joint Consultative Committee, College Lecturer's Joint Consultative Committee and the Local Negotiating Committee for Teachers, prior to a final decision by Policy and Resources Committee.

	The Policy and Resources Committee has delegated authority for the health & safety matters within the Council.
<b>6.11 Previously considered by:</b>	Central Safety Consultative Committee Safety Forums MORR Working Group

**Contact Details:**

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**Appendices:**

*Appendix 1 – Management of Occupational Road Risk Policy*

**Background Documents:** *None*



# Shetland Islands Council Management of Occupational Road Risk Policy

Date:  
Version number: 1  
Date of Approval:

If you would like this document in an alternative language or format, please contact  
Corporate Services on: 01595 743069.

## CONTENTS

1	Policy Statement	3
2	Scope	3
3	Definition of Work-related Driving	3
4	Safety Critical Drivers - Definition	3
5	Policy Aims	3
6	Responsibilities	4
7	Assessing Risk	6
8	Managing Risk	7
9	Staff Training	8
10	Recording and Reporting	8
11	Monitoring and Review	9

Appendix 1  
Pre-Drive Vehicle Checks

Appendix 2  
Driver Declaration



## **1 Policy Statement**

Shetland Islands Council undertakes to protect the health, safety and welfare of all its staff. It recognises the risks to staff who need to carry out work-related driving and is committed to the prevention of injury, loss of life and damage to property from work-related driving incidents. The purpose of this policy is to enable Shetland Islands Council to meet its obligation to protect staff, so far as is reasonably practicable, from all occupational road risks associated with work-related driving.

## **2 Scope**

This policy applies to all staff involved in work-related driving activities, including managers and drivers of Council vehicles, leased cars and owner drivers. It forms an integral part of Shetland Islands Council's Health, Safety and Welfare Policy and complies with any specific local guidance on work-related driving and the management of occupational risks. The policy applies to all work-related driving arising in connection with the duties and activities of staff.

Driver Handbooks provide detailed information on how to comply with the Policy and must be read in conjunction with it.

## **3 Definition of work-related driving**

For the purposes of this Policy work related driving is defined as;

*'Driving by all staff during the course of their employment of a vehicle, whether owned, leased or private, on behalf of Shetland Islands Council. This policy applies whether the vehicle is driven on the public highway or on Council premises.'*

Driving to and from the normal place of work is not covered by this policy, however where an individual has no fixed place of work, or where they are working at a location that is not their normal place of work then this policy will apply.

## **4 Safety Critical Drivers - Definition**

For the purposes of the Policy, Safety Critical Drivers are drivers whose activities have the potential to provide a greater degree of risk. These are all drivers who drive Category 2 vehicles (<http://www.dft.gov.uk/vca/vehicletype/definition-of-vehicle-categories.asp>) , or those who transport children or vulnerable adult service users during the course of their employment.

## **5 Policy aims**

This policy aims to:

- Clarify individual staff member and organisational responsibility;
- Increase staff awareness of safety issues associated with work-related driving;

- Ensure that risk in relation to work-related driving is assessed in a systematic and ongoing way, and ensure that reasonable safe systems and methods of work are put in place to reduce the risk so far as is reasonably practicable;
- Ensure that all drivers and particularly those who are operating LGV, HGV and minibuses are in good health and fit to carry out tasks associated with work-related driving (see 8.2);
- Ensure that appropriate training is available to staff in all areas that equips them to recognise risk and provides clear advice on preventing and managing occupational road risks;
- Ensure that appropriate support is available to staff involved in work-related driving incidents;
- Promote full reporting and recording of all incidents arising in the course of work-related driving;
- Reduce the number of incidents and injuries to staff resulting from work-related driving.

## **6 Responsibilities**

### **6.1 The Chief Executive is responsible for:**

- Making sure there are arrangements for identifying, evaluating and managing risk associated with work-related driving;
- Providing resources for putting the policy into practice;
- Making sure that there are arrangements for monitoring incidents linked to work-related driving;
- Taking the decision to suspend/close any service due to work related driving risks.

### **6.2 The Team Leader – Fleet is responsible for:**

- Ensuring that fleet drivers comply with driving hours' rules and speed limits;
- Maintaining fleet vehicles in a roadworthy condition;
- Implementing procedures to ensure reporting and recording of fleet vehicle defects;
- Maintaining relevant records pertaining to fleet vehicles for a minimum of 15 months;
- Implementing procedures to ensure that fleet vehicles are not overloaded;
- Ensuring that all authorised vehicles are kept at authorised Operations Centres when not in use;
- Liaising with the Health & Safety Team to ensure that all incidents are adequately investigated and appropriate remedial measures implemented where necessary.

### **6.3 Executive Managers are responsible for:**

- Making sure all relevant staff are aware of the policy and the relevant Driver Handbook;
- Putting into place procedures and safe systems of work designed to eliminate or reduce the risk of work-related driving incidents; e.g. training where required, appropriate and reasonable communication systems;
- Ensuring that a Health Declaration is completed by all new drivers prior to their appointment and application for Authorised/Approved Driver Status and they are referred to Occupational Health where necessary;
- Ensuring that suitable and sufficient references are obtained prior to appointment of any staff member who may be required to drive during the course of their work;
- Making sure that staff groups and individuals identified as being at risk are given appropriate information, instruction and training, updates and refresher training as necessary;
- Ensuring that any employee driving a Shetland Islands Council vehicle is an Approved Driver, is competent to drive and holds a valid driving licence with an entitlement for the class of vehicle that they are to drive;
- Ensuring that appropriate steps are taken to ensure that drivers health is monitored through the Council's Maximising Attendance Policy and procedures
- Where necessary ensuring that staff are temporarily or permanently suspended from work related driving where this would give rise to a potential risk in consultation with the Health & Safety Manager, and the Fleet Manager where relevant.

### **6.4 Line Managers are responsible for:**

- Making sure that risk assessments are carried out and regularly reviewed;
- Making sure that appropriate support is provided to staff involved in any incident associated with work-related driving;
- Managing the effectiveness of preventative measures by the use of the 'LACHS' system, ensuring the system is used to report, investigate and record incidents;
- Ensuring all incidents of damage or injury involving vehicles (fleet or non-fleet) being driven on Council business are reported to the Insurance Section.
- Ensuring that approved drivers are not requested to drive any fleet vehicle until they are established to be competent;
- Ensuring that no member of staff is asked to carry out a work related driving task that they are not competent to undertake or do not have suitable equipment for;
- Ensuring that drivers have had safety features / controls relevant to the vehicle to be driven demonstrated to them by a competent person;
- Ensuring that a Driver Insurance Application form is completed and sent to Insurance Section for authorisation for drivers of fleet vehicles.
- Ensuring that any employee driving any vehicle on Council business has insurance cover in place to drive that vehicle before being driven.

## **6.5 All Staff are responsible for:**

- Following the requirements of the relevant Driver Handbook in conjunction with this Policy.
- Making sure that they receive appropriate information, guidance and support to be able to carry out their role in accordance with the requirements of this policy.
- Discuss with their line manager, any change in their personal circumstances including health and well-being that may have an impact on their ability to perform driving duties.
- Reporting all driving related incidents, including any near misses.

## **7 Assessing risk**

**7.1** Routine risk assessments must be carried out in all instances where work-related driving takes place. A competent person must carry out the risk assessment and it must be recorded and shared with relevant others where there are any significant risks. The following details must be recorded:

- The extent and nature of the hazard;
- The factors that contribute to the risk – including job content and, specific tasks and activities;
- The safe system of work to be followed to eliminate or reduce the risk of the incident occurring;

Further guidance on carrying out these assessments can be provided by the Health and Safety Team or at <http://www.hse.gov.uk/pubns/indg382.pdf>.

**7.2** These details must be communicated to staff and risk assessments reviewed and updated annually or sooner if circumstances change.

**7.3** All drivers must consider various safety points before beginning any journey. This should include assessing the condition of the vehicle, weather conditions and route and their own fitness to drive. The Driver Risk Assessment Checklist included in Appendix 1 can help with this process.

**7.4** In the event that any member of staff feels that weather related driving conditions pose a risk to their own safety when driving for work they should:

- Not embark on a journey;
- Seek a place of safety / shelter;
- Communicate to their line manager;
- In the case of Care at Home staff should highlight any vulnerable clients to their Senior or Line Manager;
- Remain in regular contact with their line manager or base until they have returned home safely. At this point staff must let their line manager know they are home.

## **8 Managing Risk**

### **8.1 Driver checks and qualifications**

Drivers may only drive vehicles for which they hold appropriate licences. Fleet vehicle and Safety Critical drivers must have a valid, full driving licence when driving on Council business even when using a vehicle in those parts of Shetland where possession of a provisional driving licence is legally acceptable.

Where staff are using their own vehicle for their work related driving Line Managers must undertake an annual check of licence, insurance documents and MOT status (where required).

In cases where the licence or insurance details are not in line with requirements the staff member must not be allowed to continue to drive on behalf of the Council. Staff must tell their Line Manager about any changes in the status of their licence or their health that could affect their continued driving.

A procedure will be developed by a short life working group to assist managers to carry out checks on insurance documents, and further advice will be available from the Council's Insurance Section if required.

The following people are specifically excluded from driving fleet vehicles:

- Anyone who does not hold a valid, full UK driving licence for the category of vehicle being driven (or who does not have a relevant foreign or international licence that allows them to drive in the UK);
- Anyone who suffers from a condition that would disqualify them from holding a relevant driving licence;
- Anyone who has a current conviction for a motoring offence in the following categories:
  - Dangerous driving, causing death by dangerous driving or manslaughter;
  - Driving under the influence of drink or drugs;
  - Failing to stop after an accident;
  - Any other offence (or combination of offences) which has or may result in disqualification.

If Shetland Islands Council becomes aware of any pending prosecution it can exercise the right to suspend staff from driving duties whilst awaiting the outcome of the trial.

Full details of licencing requirements are contained in the Driver's Handbooks.

### **8.2 Driver Health Checks and Fitness to Drive**

Safety Critical Drivers must notify any changes in their health to their line

manager so appropriate support and control measures can be put in place. A full list of relevant medical conditions is available at <https://www.gov.uk/health-conditions-and-driving>

Safety Critical Drivers must complete a Driver's Declaration (Appendix 2) immediately upon appointment to this role and this must be repeated every 3 years following that. Where any medical concerns are identified through this Declaration or have been advised to the Line Manager the member of staff will be referred to the Occupational Health Service.

As per the conditions of their licence all commercial C, CE, C1, C1E, D, DE, D1 or D1E drivers will;

- Take 35 hours of periodic training every 5 years to stay qualified.
- Sign a declaration every 5 years until they are 45 to show they still meet the medical standards.
- Provide a medical report every 5 years after the age of 45 to renew their driving licence and then every year once reaching the age of 65.

### **8.3 Driving Standards**

Under the Road Traffic Act drivers are legally responsible for their own actions on the road and for complying with all traffic regulations. Shetland Islands Council considers its staff to be ambassadors for the organisation. Staff behaviour while driving is a reflection on their corporate image. As such drivers are expected to be polite and to follow the Highway Code and driving legislation. This is particularly important for drivers of vehicles which bear any Council logos.

Shetland Islands Council will ensure that staff who are driving for work purposes and are involved in careless or repeated driving incidents take part in a retraining and assessment programme.

In the event of a serious incident or series of incidents Shetland Islands Council may invoke its disciplinary procedure.

Further information on expected driving standards can be found in the relevant Driver's Handbook.

## **9 Staff Training**

- 9.1** Shetland Islands Council provide basic driver safety awareness training to give staff the knowledge and skills needed to help prevent and manage work-related driving risks. This training is available on the Council's iLearn system.
- 9.2** Line managers are responsible for making sure that staff complete appropriate training and have access to refresher training on a regular basis.

## **10 Reporting and Recording**

- 10.1** Staff must report all incidents (including near misses) to their line manager at

the earliest opportunity. These must be reported on the appropriate incident form and PIN form and all reports must be investigated. For fleet vehicles this will be carried out by the Fleet Manager and for personal vehicles by the Line Manager. In the event of a serious incident Line Managers should immediately contact the Health and Safety Team in order to carry out a full investigation.

- 10.2** To monitor the implementation and effectiveness of this policy and its associated local protocols, Executive Managers should regularly review local statistics and incident reports.

## **11 Monitoring and Reviewing**

Shetland Islands Council will put in place arrangements to monitor and review the implementation of this Policy. This will be done in association with the Trade Unions/Professional Organisations and Safety Representatives. These arrangements will include:

- Collating and reviewing incident statistics.
- Reporting to relevant Health and Safety Forums and Central Safety Consultative Committee every quarter, highlighting incident statistics and safety improvement measures;
- Reporting to relevant Health and Safety Forums and Central Safety Consultative Committee every quarter on how the policy is being implemented, the outcomes of risk assessment and details of training provided;
- Annual Reporting to highlight progress in reducing driver related road risk and incidents, and making recommendation for the forthcoming year.

### **Pre-Drive Vehicle Checks**

If you use your own vehicle at work you are responsible for ensuring that it is in a safe condition and legal to drive. You must ensure that you have a valid licence to drive the vehicle, an MOT test certificate if required and business insurance relating to the vehicle.

#### **Before driving any vehicle, check:**

- Tyres are undamaged (no cuts or bulges), are at the correct pressure and have enough tread depth. The legal minimum is 1.6mm, but above 3mm gives much shorter braking distances in the wet.
- There are no signs of vehicle damage.
- Oil, coolant and windscreen wash levels are correct (check when the engine is cold).
- You know the correct type of fuel for the vehicle and have sufficient for your journey or are able to refuel.
- Brakes, including handbrake are working.
- Lights and indicators are working.
- Windscreen and windows are not damaged, and washers and wipers are working.
- Mirrors are correctly positioned.

If you think the vehicle is, or may be, in an unsafe or illegal condition, do not drive it until all necessary repairs have been completed.

#### **Passenger Safety**

Make sure that all occupants are using their seat belts and head restraints are adjusted correctly before you set off, and that loads are securely restrained.

#### **Head Restraints**

Adjust your head restraint correctly, and check that every passenger has their one correctly adjusted. The top of the head restraint should be level with the top of your head and as close to the back of your head as possible. This will help to protect against whiplash and long-term injuries.

#### **Driving Position**

You should be able to see and reach all of the controls comfortably. Good all-round, unobstructed, visibility is vital. Check that your view is not obstructed by objects such as stickers or devices such as SatNavs, and that SatNavs are not placed where they might be hit and flung forward by an airbag.

Look at the dashboard when you start the car, check which lights illuminate and then go off. If you are not familiar with the vehicle, check the handbook so you know what the different lights mean. Finally, consider whether the vehicle is suitable for the task – for example;

- If carrying passengers, is there a seat belt for each occupant?
- If carrying children, is there an appropriate child seat for each child that needs one?
- If carrying a heavy load or an animal, can you secure it safely?



## Driver Declaration Form

<b>Surname</b>		<b>First Names(s)</b>	
<b>Post Title</b>		<b>Employee No.</b>	
<b>Driving Licence No.</b>		<b>Expiry Date</b>	
<b>Address</b>			
<p><b>Have you been convicted (or prosecution pending) of any motor related offence which has not already been declared to your manager?</b></p> <p><b>Yes/No</b> (If yes please give details)</p>			
<p><b>Are you currently suffering from any health condition, or taking any medication that may affect your ability to drive? If 'Yes' you may be referred to Occupational Health for further investigation.</b> (Further information is available at <a href="https://www.gov.uk/health-conditions-and-driving">https://www.gov.uk/health-conditions-and-driving</a> Safety critical drivers must comply with the standards for Bus, Coach and Lorry licence holders)</p> <p><b>Yes/No</b></p>			
<p><b>I declare that the above answers are true to the best of my knowledge and belief, and I will notify my employer immediately in writing:</b></p> <ul style="list-style-type: none"> <li>(i) In the event of any incident or prosecution that might lead to the suspension of my licence.</li> <li>(ii) If I become disqualified from driving for any reason.</li> <li>(iii) Of any health or other issue that might affect my ability to drive safely</li> </ul>			
<b>Signed</b>		<b>Date</b>	





<b>Meeting(s):</b>	<b>Environment and Transport Committee Policy and Resources Committee</b>	<b>5 February 2019 11 February 2019</b>
<b>Report Title:</b>	<b>Taxi Tariff Review</b>	
<b>Reference Number:</b>	<b>DV-03-19-F</b>	
<b>Author / Job Title:</b>	<b>Robina Barton – Transport Policy and Projects Officer</b>	

## 1.0 Decisions / Action Required:

- 1.1 That the Environment and Transport Committee RECOMMENDS that the Policy and Resources Committee RESOLVE to approve the table of tariffs given in Appendix 1 as the basis for statutory consultation and reporting as set out in Appendix 2.

## 2.0 High Level Summary:

- 2.1 Shetland Islands Council, as Licensing Authority, is required in terms of section 17 of the Civic Government (Scotland) Act 1982 to review at intervals not more than 18 months the maximum tariffs that may be charged by taxis and private hire cars fitted with taxi meters.
- 2.2 This report sets out the revised table of tariffs proposed, subsequent to consultation with the Shetland Taxi Owners Association, for comment by the Committee and seeks Committee approval to engage statutory consultees on the detail of the proposals.
- 2.3 If subsequently approved by the Policy and Resources Committee at its meeting on 11 February 2019, the proposed Taxi Tariffs will be published, and written representations invited, with a view to them being fixed on 14 June 2019.

## 3.0 Corporate Priorities and Joint Working:

- 3.1 The Licensing Function helps to make Shetland safer, contributing to the Shetland Partnership Plan 'People' priority outcome 'Shetland will continue to be a safe and happy place'.
- 3.2 The Council Corporate Plan 2016-2020 states that we will 'Provide quality transport services within Shetland' as a top priority.
- 3.3 The recommendations in this report would contribute to the Corporate Plan aim to ensure that 'there will be transport arrangements in place that meet people's needs'.
- 3.4 The local Taxi Trade re-established a representative and consultative body in October 2018. The Shetland Taxi Owners Association (STOA) held their first meeting on 17 October 2018. The Tariff changes have been proposed by this body.

#### **4.0 Key Issues:**

- 4.1 Shetland Islands Council, as licensing authority is required, after carrying out a review, to set Taxi Tariffs. The licensing authority must fix scales for the fares and other charges within 18 months beginning with the date on which the scales came into effect .
- 4.2 The last change in Taxi Tariffs took place in December 2014. The last Taxi Tariff Review began in August 2017.
- 4.3 The timetable for the current review is contained in Appendix 2.
- 4.4 Appendix 1 to this report contains a table of the existing tariffs and revised tariffs proposed by the Shetland Taxi Owners Association.
- 4.5 Proposed changes and rationale:
- During the meeting of the STOA on 17 October 2018, members agreed unanimously that fares should rise to take account of the rising costs of vehicles, fuel, garage services and other expenses relating to the industry that have risen since the last tariff increase in 2014. This was felt to be necessary to ensure the continued and sustainable provision of a reliable and professional service.
  - An incremental change from ¼ mile units to 0.1 mile units is proposed due to the large number of short journeys undertaken within the town of Lerwick.
  - A change in the holiday timespan is proposed to take account of the fact that people on a festive night out will often return home after midnight and the fares should not be cheaper when returning late night/early morning than they are when going out early evening.
  - An increase in the cleaning charge is proposed to take account of the time taken to ensure vehicles that have been soiled are returned to a high standard of cleanliness.
  - A separate excursion rate is proposed to provide tourists with clarity on what they can expect to pay for a tour in the time that they have available and help to ensure a high quality experience, based on destinations, rather than distance travelled. This is felt to be important given the growing industry and the increased demand for taxis to offer private tours.
- 4.6 Shetland currently ranks 136th of 359 Licensing authorities in terms of taxi tariffs. (Source: Private Hire Car and Taxi Monthly, where 359 is the lowest and 1 is the highest fare). The proposed amendments will raise it up the league table to be above the average, at circa 49th to 63rd of 359. This can be seen in the context of relative costs for fuel, vehicle maintenance, and other services which are generally higher in Shetland than in Mainland UK.
- 4.7 The tariff for a 2 mile journey at Rate 1 would be £6.60, level with Fife and Guernsey, as compared with East Lothian at £6.80 Argyll & Bute at £6.20, Aberdeenshire at £6.00, Orkney at £5.80, Highland at £5.80, Dumfries and Galloway at £5.50, and the Western Isles at £4.85.

<b>5.0 Exempt and/or Confidential Information:</b>	
5.1	None.
<b>6.0 Implications :</b>	
<b>6.1 Service Users, Patients and Communities:</b>	As well as being used by the general public, Taxis and Private Hire Cars are frequently used both under contract and on an ad hoc basis by service providers such as the NHS and SIC. They form a vital part of Shetland's transport network.
<b>6.2 Human Resources and Organisational Development:</b>	None.
<b>6.3 Equality, Diversity and Human Rights:</b>	None.
<b>6.4 Legal:</b>	<p>The decision of this Committee at today's meeting forms part of the preliminary stage of reviewing and/or fixing the Taxi Tariffs. On reaching the final stage of the review, any Shetland Islands Council Taxi vehicle licensee will be able to appeal the final decision of the Council upon the Taxi Tariffs to the Traffic Commissioner for Scotland.</p> <p>In the event of such an appeal, the process of implementing the Council's decision upon the taxi Tariffs will be suspended pending the outcome of the appeal.</p>
<b>6.5 Finance:</b>	None arising from the licensing function of the Council.
<b>6.6 Assets and Property:</b>	None.
<b>6.7 ICT and New Technologies:</b>	None.
<b>6.8 Environmental:</b>	None.

<b>6.9 Risk Management:</b>	<p>If Taxi tariffs are set at too high a level it can impact on social inclusion with secondary effects such as increased risk of drink driving for example. On the other hand, if tariffs are too low then operators can have difficulty in terms of financial sustainability with risks of falling standards of vehicles and services, through to businesses failing resulting in inadequate provision to meet economic and social needs. It is felt that the proposed tariffs adequately address these risks.</p>	
<b>6.10 Policy and Delegated Authority:</b>	<p>In accordance with Section 2.3.1 of the Council's Scheme of delegations, the Environment and Transport Committee has responsibility for discharging the powers and duties of the Council within its functional area.</p> <p>In accordance with Section 2.3.1 of the Council's Scheme of delegations, the Environment and Transport Committee has responsibility for advising the Policy and Resources Committee on policies, plans and service delivery within its functional area.</p> <p>Section 2.2. confirms the role of Policy and Resources Committee in advising the Council in the development of its strategic objectives, policies and priorities. As there are no changes proposed to the policy, the decision required in this report rests with Policy and Resources Committee. Any change to policy would require a decision of the Council.</p>	
<b>6.11 Previously Considered by:</b>	None.	

**Contact Details:**

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Date Cleared: 28 January 2019  
Tel: 01595 745802

**Appendices:**

Appendix 1 – Current and Proposed Taxi Tariffs  
Appendix 2 – Taxi Tariff Review Timetable 2018-19

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STANDARD RATES				
Rate 1: 0600-2159	CURRENT	For the first three quarters of a mile or part thereof	£3.80	SUMMARY OF CHANGE +£0.20 on the flag +£0.20 per mile
		For each additional quarter mile or part thereof	£0.45	
	PROPOSED	For the first 0.7 of a mile or part thereof	£4.00	
		For each additional 0.1 mile or part thereof	£0.20	
Rate 2: 2200-0559	CURRENT	For the first three quarters of a mile or part thereof	£4.00	SUMMARY OF CHANGE +£0.50 on the flag +£0.00 per mile
		For each additional quarter mile or part thereof	£0.55	
	PROPOSED	For the first 0.7 of a mile or part thereof	£4.50	
		For each additional 0.1 mile or part thereof	£0.22	
FESTIVE RATES				
Times of operation	CURRENT	00:00 25th December - 23.59 26th December		SUMMARY OF CHANGE + 6 hrs per holiday period
		00:00 1st January - 23.59 2nd January		
	PROPOSED	00:00 25th December - 05.59 27th December		
		00:00 1st January - 05.59 3rd January		
Rate 3: 0600-2159  (Rate 1 + 50%)	CURRENT	For the first three quarters of a mile or part thereof	£5.70	SUMMARY OF CHANGE +£0.30 on the flag +£0.60 per mile
		For each additional quarter mile or part thereof	£0.60	
	PROPOSED	For the first 0.7 of a mile or part thereof	£6.00	
		For each additional 0.1 mile or part thereof	£0.30	
Rate 4: 2200-0559  (Rate 2 + 50%)	CURRENT	For the first three quarters of a mile or part thereof	£6.00	SUMMARY OF CHANGE +£0.75 on the flag +£0.30 per mile
		For each additional quarter mile or part thereof	£0.75	
	PROPOSED	For the first 0.7 of a mile or part thereof	£6.75	
		For each additional 0.1 mile or part thereof	£0.33	

OTHER CHARGES				
Passenger Surchage	CURRENT	For carriage of 5 or more passengers for the 5th and subsequent passengers	£2.00	SUMMARY OF CHANGE No change
	PROPOSED	For carriage of 5 or more passengers for the 5th and subsequent passengers	£2.00	
Waiting Time	CURRENT		£0.40 per minute or £24.00 per hour	SUMMARY OF CHANGE +£0.10 per minute +£6.00 per hour
	PROPOSED		£0.50 per minute or £30 per hour	
Cleaning Charge	CURRENT	If vehicle soiled by passenger	£40.00	SUMMARY OF CHANGE +£20.00
	PROPOSED	If vehicle soiled by passenger	£60.00	
Excursion Rate When offering an excursion trip or service to an individual, group, or acting on behalf of an agent. <i>(Taxi operators/drivers may not describe themselves as a "tour guide" unless they are properly trained and certificated to do so)</i>	CURRENT	Taxi operators/drivers must use the taximeter on all hires, including excursions. Taxi operators/drivers are free to offer a lesser amount than displayed on the meter, expressed in monetary terms or as a percentage of the maximum fare at the commencement of the hire. This may be done on an individual basis, or as part of an agreement between the taxi operators and the contracting agent.		
	PROPOSED	Car carrying up to 4 passengers	£45 per hour	
		MPV carrying up to 8 passengers	£50 per hour	



## **Shetland Islands Council Taxi tariffs Review Timetable 2018-19**

The timetable for the 2018-19 review of Shetland Islands Council's taxi Tariffs is as follows –

1. Taxi Trade licensees were invited to a Taxi Trade Forum on 30 October 2018 and the Tariff Review was launched.
2. A report detailing the draft Taxi Tariff proposals received and recommendations will be submitted to the Environment and Transport Committee at its meeting to be held on Tuesday 5 February 2019
3. A report seeking approval of the recommendations made by the Environment and Transport Committee on 5 February will be submitted to the Policy and Resources Committee at its meeting on Monday 11 February 2019
4. Dependent upon the decision of the Policy and Resources Committee on 11 February, an advertisement will appear in the Shetland Times on Friday 15 February 2019 detailing the proposed Taxi Tariffs and the date they will take effect.
5. Written representations on the proposals will require to be received no later than 17:00 on Friday 15 March 2019.
6. A report detailing the written representations received, final Taxi Tariff proposals and recommendations will be submitted to the Environment & Transport Committee at its meeting to be held on Tues 7 May (TBC) 2019.
7. A report seeking approval of the recommendations made by the Environment and Transport Committee on 7 May (TBC) will be submitted to the Policy and Resources Committee at its meeting on Monday 13 May (TBC) 2019.
8. All Taxi Trade consultees will be notified of the decisions taken by the Policy and Resources Committee at its meeting on 13 May (TBC) 2019.
9. Taxi Vehicle licensees will have the right to appeal the Council's decision to the Traffic Commissioner for Scotland within 14 days of notice being given of said decision. Any such appeal will have the effect of suspending the process until the appeal has been settled.
10. If no appeal is made, the approved Taxi Tariffs will be published in the Shetland Times on Friday 7 June and come into effect on Friday 14 June 2019<sup>1</sup>.

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<sup>1</sup> Subject to Committee Dates being confirmed as above



# Shetland Islands Health and Social Care Partnership

Agenda Item

**3**



Meeting(s):	Integration Joint Board (IJB) Education and Families Committee Policy and Resources Committee NHS Board Community Safety and Resilience Board	23 January 2019 4 February 2019 11 February 2019 19 February 2019 TBC
Report Title:	Domestic Abuse and Sexual Violence Strategy 2018-2023	
Reference Number:	CC-08-19-F	
Author / Job Title:	Dr Susan Laidlaw, Consultant in Public Health Medicine, NHS Shetland	

## 1.0 Decisions / Action required:

### 1.1 That the Boards / Committees:

- i. COMMENT and REVIEW any issues which they see as significant to meeting the objectives of the Shetland Islands Health and Social Care Partnership's Strategic Commissioning Plan 2017-2020 with regard to Domestic Abuse and Sexual Violence; and
- ii. APPROVE the Shetland Domestic Abuse and Sexual Violence Strategy 2018-2023, included as Appendix 1.

- 1.2 That the IJB APPROVES the Direction for Domestic Abuse and Sexual Violence, included as Appendix 2.

## 2.0 High Level Summary:

- 2.1 This Report seeks approval for a revised Domestic Abuse and Sexual Violence Strategy, on behalf of the Shetland Domestic Abuse Partnership. The Strategy has been updated to take account of latest evidence based best practice guidance in this field.
- 2.2 This Strategy sets out how the Shetland Domestic Abuse Partnership will continue to address and prevent domestic abuse; sexual violence and other forms of gender-based violence in Shetland over the next five years. Although this Strategy focuses

on the main areas of concern in Shetland: domestic abuse and sexual violence (rape and sexual assault); it does include all forms of gender based violence.

2.3 The overarching aim of this Strategy is to reduce the number of children, young people and adults affected by gender based violence, particularly domestic abuse and sexual violence, and to minimise the consequences. It therefore forms one of the key strategies in delivering the aims of the Integrated Children's Service Plan and the Shetland Islands Health and Social Care Partnership: Joint Strategic Commissioning Plan.

2.4 The Strategy is also well aligned to the Shetland Partnership Plan and the ambition that,

“Shetland is a place where everyone is able to thrive; living well in strong, resilient communities; and where people and communities are able to help plan and deliver solutions to future challenges.”

2.5 The issues around Domestic Abuse and Sexual Violence may cause individuals and families not to be able to thrive. The actions and services set out in the Strategy are therefore designed to make a positive contribution to each of the key pillars of the Shetland Partnership Plan.

<b>Four Pillars of Shetland Partnership Plan</b>		<b>Contribution of Domestic Abuse and Sexual Violence Strategy</b>
<b>People</b>	Individuals and families thrive and reach their full potential	Yes, direct
<b>Participation</b>	People participate and influence decisions on services and use of resources	Yes, indirect
<b>Place</b>	Shetland is an attractive place to live, work, study and invest	Yes, indirect
<b>Money</b>	All households can afford to have a good standard of living	Yes, indirect

2.6 The Strategy is supported by a detailed Implementation Plan. The actions have been prioritised based on:

- supporting the individuals most at risk and in need of support / services
- evidence based practice
- realistic timescales – based on resources and funding available

2.7 The services for which an evidence based approach supports continued investment will include: Multi-Agency Risk Assessment Conference (MARAC) and safety planning; routine inquiry within specific healthcare settings; advocacy services; and some counselling and therapeutic interventions. These services may be provided within a universal setting, or secured through specialist services.

2.8 The IJB is invited to formalise the commissioning of relevant services and the

	outcomes framework (in development) through the approval of a Direction for Domestic Abuse and Sexual Violence services (Appendix 2).
3.0	Corporate Priorities and Joint Working:
3.1	This Strategy contributes positively to delivering the objectives and ambitions of the Shetland Partnership Plan, the Integrated Children's Services Plan and the Health and Social Care Partnership: Joint Strategic Commissioning Plan.
3.2	The key delivery mechanism will be through the Shetland Domestic Abuse Partnership, which is connected to the Adult and Child Protection Committees, the Community Safety and Resilience Board, the Integrated Children and Young Peoples Strategic Planning Group and the Strategic Planning Group supporting the IJB. Delivery of the Strategy relies on agencies and staff working effectively together around the needs of people and families affected by Domestic Abuse and Sexual Violence.
4.0	Key Issues:
4.1	Domestic Abuse and Sexual Violence remains a significant concern within the Shetland community. Individuals, and families, can suffer significant immediate and long term consequences from abusive and violent relationships. For children, it is recognised as one of the causes of 'Adverse Childhood Events' which can cause trauma and impact significantly on a child's potential to learn and thrive.
4.2	Gender Based Violence (GBV) issues can affect both men and women, of any sexuality, but the majority of victims are women and the majority of perpetrators are men. Whilst GBV can affect anybody, the key risk factor is being female, with other factors such as ethnicity, disability, poverty, or other vulnerabilities also increasing the risk.
4.3	Any violence against women and children in particular is considered to be a Human Rights issue in terms of gender inequality.
4.4	<p>The objectives of the Strategy are therefore:</p> <ul style="list-style-type: none"> <li>- To raise public and professional awareness of, and challenges attitudes towards, gender based violence and its consequences on an ongoing basis through a local communications plan, a staff training plan and development of organisational Gender Based Violence policies.</li> <li>- To protect and support those who experience or are affected by gender-based violence through: <ul style="list-style-type: none"> <li>• increasing the proportion of people experiencing domestic abuse and sexual violence who report these incidents to the police and increasing the number of detections</li> <li>• ensuring the effectiveness and sustainability of the Multi-Agency Risk Assessment Conference (MARAC), including securing long term funding</li> <li>• developing and / or commissioning evidence based and cost effective services to meet the needs of the Shetland population.</li> </ul> </li> </ul>

- To reduce harm to children and young people as a result of gender based violence, through identification of those at risk and provision of appropriate dedicated services.
- To ensure local GBV work is inclusive i.e. including people of any age, gender identity, sexuality, faith, ethnicity, socio-economic background and ability.
- To support the wider local work on tackling the underlying causes of sexual violence and abusive relationships, specifically with children and young people.
- To prevent offending and re-offending through violence reduction programmes and criminal justice work.

4.5 The Strategy sets out the short term actions, to be completed by end March 2019. The actions cover:

- funding for the Multi-agency Risk Assessment Conferences (MARAC)
- Implement locally based forensic medical examination and healthcare services for the victims of rape and sexual assault.
- communications plan
- preventative work in schools (and other settings for young people)
- gender based violence policy review

4.6 The actions for later years include:

- Multi-agency training programmes
- Comprehensive education programmes for young people
- Signposting and referral pathways (linked to Mental Health)
- Review perpetrator programmes

5.0 Exempt and/or confidential information:

5.1 None.

6.0 Implications :

6.1 Service Users, Patients and Communities:

The overarching aim of this Strategy is to reduce the number of children, young people and adults affected by gender based violence, particularly domestic abuse and sexual violence, and to minimise the consequences.

6.2 Human Resources and Organisational Development:

There are no specific Human Resources issues to highlight.  
  
Training needs have been identified and incorporated into the Action Plan. Training costs will be met from a combination of existing budgets, in-house provision and from external resources for certain specialist training courses.

6.3 Equality, Diversity and

Human Rights are based on shared values like dignity, fairness, equality, respect and independence. This Strategy aims to support

Human Rights:	<p>these values and comply with the Human Rights Act 1998. The underpinning principle of the strategy is to address inequity caused by gender based violence and abuse and to protect the victim's human rights in being able to participate in society and access services without fear of harm.</p>
6.4 Legal:	<p>The Public Bodies (Joint Working) (Scotland) Act 2014 ("the 2014 Act") established the legislative framework for the integration of health and social care services, of which Domestic Abuse and Sexual Violence is part.</p> <p>That Act requires the IJB to issue Directions in writing, which must set out how each function is to be exercised and the budget associated with that function. Guidance is in place on the form and content of Directions, which Appendix 2 meets except for being able to specify the cost of universal services.</p> <p>The Strategy supports the terms of the Domestic Abuse (Scotland) Bill.</p>
6.5 Finance:	<p>For universal services, there is no separately identified budget for Domestic Abuse and Sexual Violence as services are provided by staff as part of their day to day functions. These services will include, but not be limited to:</p> <ul style="list-style-type: none"> <li>- Accident and Emergency</li> <li>- Maternity</li> <li>- Child Health</li> <li>- Adult Social Work</li> <li>- Primary Care</li> <li>- Community Nursing</li> <li>- Mental Health</li> </ul> <p>Budgets are separately identified for MARAC and for commissioned services from Shetland Women's Aid.</p> <p>The cost of the MARAC service is estimated to be £5,600 in 2019-20. The budget is split 50/50 between NHS Shetland and Shetland Islands Council.</p> <p>The cost of the payment to Shetland Women's Aid is estimated to be £70,000 in 2019-20 (for IJB delegated services). Shetland Women's Aid and Shetland Rape Crisis receive funds from external sources.</p> <p>NHS Shetland has secured an additional allocation specifically for Forensic Medical Services of £100,940 in 2019-20.</p> <p>The Strategy highlights an action to resolve the ongoing funding for the MARAC services (which currently relies on external sources).</p>

6.6 Assets and Property:	The Strategy does not identify any issues with regard to Assets and Property.
6.7 ICT and new technologies:	There are no ICT or technology issues to address.
6.8 Environmental:	There are no specific environmental implications to highlight.
6.9 Risk Management:	<p>The risks of not proceeding with the revised Strategy and approval of Directions will be that:</p> <ul style="list-style-type: none"> <li>- the significant personal, social and economic impacts of Gender Based Violence will not be fully acknowledged; and</li> <li>- service models and resources might not be fully aligned with the evidence based practice.</li> </ul>
6.10 Policy and Delegated Authority:	<p>Shetland's Integration Joint Board (IJB) was formally constituted on 27 June 2015 and operates in accordance with the approved Integration Scheme, Scheme of Administration, and the Financial Regulations.</p> <p>The IJB assumed responsibility for the functions delegated to it by the Council and the Health Board when it (the IJB) approved and adopted the joint Strategic (Commissioning) Plan at its meeting in November 2015. The delegated functions are set out in the Integration Scheme and Domestic Abuse and Sexual Violence services are delegated functions.</p> <p><u>SIC Policy and Resources Committee</u></p> <p>Shetland Islands Council delegated functions, including the planning arrangements, to the IJB. The Policy and Resources Committee is responsible for receiving reports on any matters relating to functions delegated to the IJB that require to be reported to the Council. Approval of strategic policies falls within this remit.</p> <p><u>NHS Shetland Board</u></p> <p>NHS Shetland delegated functions, including planning for acute and hospital services, to the IJB. The NHS Board has the overall authority for consideration and approval of strategic planning, taking guidance from its Standing Committees, as appropriate. Approval of the Domestic Abuse and Sexual Violence Strategy therefore rests with the NHS Shetland Board.</p> <p><u>Education and Families Committee</u></p> <p>Matters relating to the safety and protection of children come under the remit of the Education and Families Committee.</p>



	<p>Each functional committee also has responsibility for advising the Policy and Resources Committee on new strategies, policies and plans concerning service delivery.</p> <p><u>IJB</u></p> <p>The Integration Scheme states that, “The IJB has responsibility for the planning of the Integrated Services”. Consideration and approval of relevant strategies and policies in support of delivery of the Strategic Commissioning Plan is therefore within the authority delegated to the IJB.</p> <p><u>Community Safety and Resilience Board</u></p> <p>One of the roles and remits of the Community Safety and Resilience Board is to,</p> <p>“engage and provide direction and support to the sub-groups in the development, co-ordination and implementation of...(plans) ... eg the Domestic Abuse Partnership”.</p>
6.11 Previously considered by:	<p>IJB Strategic Planning Group Mental Health Forum Integrated Children and Young People’s Strategic Planning Group</p> <p>16 January 2019 Tbc Tbc</p>

### Contact Details:

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On behalf of the Shetland Domestic Abuse Partnership

### Appendices

Appendix 1 Draft Strategy for Approval

Appendix 2 Draft Direction for Domestic Abuse and Sexual Violence Services



# **Shetland Domestic Abuse and Sexual Violence Strategy 2018-2023**

November 2018

Dr Susan Laidlaw, Consultant in Public Health Medicine, NHS Shetland  
On behalf of the Shetland Domestic Abuse Partnership

## **1. Executive Summary**

This Strategy sets out how the Shetland Domestic Abuse Partnership (SDAP) will continue to address and prevent domestic abuse; sexual violence and other forms of gender-based violence (GBV) in Shetland over the next five years, by building on the progress made by the previous two Domestic Abuse Strategies 2008-11 and 2013-16. Although this Strategy focuses on the main areas of concern in Shetland: domestic abuse and sexual violence (rape and sexual assault); it does include all forms of gender based violence.

The overarching aim of this Strategy is to reduce the number of children, young people and adults affected by gender based violence, particularly domestic abuse and sexual violence, and to minimise the consequences.

The objectives are:

- To raise public and professional awareness of, and challenges attitudes towards, gender based violence and its consequences on an ongoing basis through a local communications plan, a staff training plan and development of organisational GBV policies.
- To protect and support those who experience or are affected by gender-based violence through:
  - increasing the proportion of people experiencing domestic abuse and sexual violence who report these incidents to the police and increasing the number of detections
  - ensuring the effectiveness and sustainability of the MARAC, including securing long term funding
  - developing and / or commissioning evidence based and cost effective services to meet the needs of the Shetland population.
- To reduce harm to children and young people as a result of gender based violence, through identification of those at risk and provision of appropriate dedicated services.
- To ensure local GBV work is inclusive i.e. including people of any age, gender identity, sexuality, faith, ethnicity, socio-economic background and ability.
- To support the wider local work on tackling the underlying causes of sexual violence and abusive relationships, specifically with children and young people.
- To prevent offending and re-offending through violence reduction programmes and criminal justice work.

A series of short, medium and long term actions have been identified to be included in the Strategy Implementation Plan. A framework of indicators to monitor progress against outcomes is being produced, and will be reported through the Shetland Partnership governance processes and also through the Health and Social Care Partnership.

Further detailed information on national policy context and legislation, the local needs assessment and links to all the reference documents can be found on the [Safer Shetland website](#).

## 2. Introduction

The Shetland Domestic Abuse Partnership has published two previous strategies, covering 2008-11 and 2013-16, which were primarily concerned with domestic abuse. This Strategy builds on that previous work but aims to tackle both domestic abuse and sexual violence, alongside other forms of GBV. This document and associated action plan sets out how the Partnership will continue to address and prevent domestic abuse, sexual violence and other forms of gender-based violence (GBV) in Shetland over the next five years.

Gender based violence covers:

- Domestic Abuse
- Rape and Sexual Assault
- Harassment and Stalking
- Commercial Sexual Exploitation
- Childhood Sexual Abuse (CSA)
- Human Trafficking
- Harmful Traditional Practices (including forced marriage and female genital mutilation FGM)

Although this Strategy focuses on the main areas of concern in Shetland: **domestic abuse and sexual violence** (rape and sexual assault); it does include all forms of gender based violence. For definitions of domestic abuse and gender based violence refer to Appendix A.

GBV issues can affect both men and women, of any sexuality, but the majority of victims are women and the majority of perpetrators are men. Whilst GBV can affect anybody, the key risk factor is being female, with other factors such as ethnicity, disability, poverty, or other vulnerabilities also increasing the risk. However, because of the increased risk to women and underlying issues of gender inequality, the Scottish Government's current strategy ([Equally Safe](#)) focuses exclusively on violence against women and girls.<sup>1</sup>

Any violence against women and children in particular is considered to be a Human Rights issue in terms of gender inequality.

A summary of current national activity can be found in Appendix B of this Strategy and further detail on the national and international context can be found in the reference documents on the [Safer Shetland website](#) and on the Government's [Violence against Women and Girls](#) webpages.

### 2.1 Local context

The Shetland Domestic Abuse Partnership is a multi-agency partnership that has been running for a number of years (refer to Appendix C for the membership of the group whilst this strategy was being developed).

Within the Shetland Community Planning context, the SDAP has in the past reported to the Shetland Community and Safety Resilience Board, which in turn reports to the Community Planning Board. The Chairperson of the Partnership has also reported to the Chief Officers' Group.

With the change from the Local Outcome Improvement Plan to the Partnership Plan (see below) and changes to the governance of the Shetland Partnership, there will

be changes to the way partnerships, including SDAP, report within the Community Planning framework. This will also be influenced by the introduction of the Integrated Joint Board and the Community Justice Partnership; and the inclusion of 'domestic abuse' as a service within the remit of the IJB, and included in the Joint Strategic Commissioning Plan.

### **2.1.1 The Shetland Partnership and the Partnership Plan**

The Shetland Partnership is made up of a wide range of partners and community bodies who work together to deliver our collective ambitions for the future. It is the Community Planning Partnership for Shetland. Previously there have been specific actions related to domestic abuse in Partnership's Single Outcome Agreement, and latterly in the Local Outcome Improvement Plan (LOIP).

During 2017 the LOIP was reviewed and developed into [Shetland's Partnership Plan](#). The vision for the Plan is: *"Shetland is a place where everyone is able to thrive; living well in strong, resilient communities; and where people and communities are able to help plan and deliver solutions to future challenges"*

Whilst there is no specific mention of domestic abuse or gender based violence in the high level Strategy, there is a priority entitled '*People: Individuals and families thrive and reach their full potential*'

By addressing this priority, the desired outcomes for Shetland are that:

- The number of disadvantaged people and households in Shetland will be considerably reduced as a result of people being enabled and empowered to address the issues they face and helping others to thrive in the same way.
- The Shetland Partnership will be prioritising prevention and working with households and communities to provide innovative solutions to the issues they face.
- Shetland will continue to be a safe and happy place, with more people feeling connected to their communities and benefitting from living in good places and keeping active.

Although no elements of GBV are mentioned specifically, tackling domestic abuse, sexual violence and other forms of GBV as described in this strategy will clearly contribute to achieving these outcomes. This strategy follows the underlying consistent themes in the Partnership Plan of partnership working, prevention, tackling inequalities, empowerment and community engagement and responsibility.<sup>2</sup>

### **2.1.2 Domestic Abuse: Multi-agency Risk Assessment Conference (MARAC)**

The MARAC has been running in Shetland since 2013 and is the key process for supporting and protecting people at the highest risk of domestic violence. The MARAC is currently partially funded by the Government's Violence Against Women and Girls programme. To date MARAC has not been a statutory responsibility but there have been indications that this may change in Scotland.

There is a Core Group that meets regularly to undertake the conferences; and up until April 2016 there was a local Steering Group that reported to SDAP. The process was co-ordinated locally through the Shetland Islands Council: initially within Community Safety and then Child and Adult Protection. However, since April 2016, the process has been co-ordinated through Safer Highland, although the

Conferences are still held locally. The local Steering Group has been merged into the Partnership.

### **2.1.3 Rape and Sexual Assault**

The Domestic Abuse Partnership has expanded its remit to consider the issue of rape and sexual assault. In 2015, a sub-group of the Partnership (The Rape and Sexual Assault Working Group) was set up to progress work on tackling the apparently increasing numbers of sexual assault and harassment in Shetland. The group then began working with Shetland Rape Crisis, when this local service was set up by Rape Crisis Scotland in 2016.

In early 2017 there was considerable political and media interest, both local and national, in the issue of provision of forensic medical examination for the victims of sexual assault. At this time, NHS Shetland was not able to provide round the clock provision of a forensic examination service and sometimes victims had to be flown south for the examination. At the same time there was significant ongoing regional and national work looking at the delivery of both custody healthcare and forensic medicine across Scotland.

As a result, NHS Shetland developed plans to improve custody healthcare and forensic medicine services, including identification of staff to do this work, sourcing of training, provision of accommodation and equipment; with an emphasis on delivering a trauma sensitive service. This will be alongside partnership working with Shetland Rape Crisis and the local Police.

### **2.1.4 Community Justice Partnership**

Community Justice is about individuals, agencies and services working together to support, manage and supervise people who have committed offences. The local Community Partnership first met in 2016 following the introduction of the Community Justice (Scotland) Act 2016 and the partners are working together to

- Prevent and reduce further offending
- Reduce the harm that offending causes
- Promote social inclusion and citizenship

The CJP wants to work with people to give them the support they need to address the underlying causes of their offending behaviour, but at the same time it must make sure that the needs of victims and witnesses of crime are met. There are a number of programmes for working with people who are perpetrators of gender based violence, however these can be difficult to implement in a small community with limited resources.

### **2.1.5 Impact on Children and Child Protection**

Domestic abuse is highlighted in [Shetland's Integrated Children's Plan](#) as having the potential to seriously harm children and young people. Children can experience domestic abuse or violence in different ways. The abuse might be seen, or it may be heard from a different room, injuries may be seen or distress may be apparent. Domestic abuse is one of the most frequent reasons for children being on the Child Protection Register, along with parental substance misuse, and one of the highest

categories of referrals to the Children's Reporter. There are small numbers of children who go on the Child Protection Register because of sexual abuse, in 2016-17 there were none, and there are low numbers nationally. There are children in Shetland who have been identified as being at risk of child sexual exploitation, but no children required to be registered which indicates that agencies are able to respond to such concerns at a preventative level.

There is currently local work on Adverse Childhood Experiences (ACEs) which include for example experience of domestic violence, being the victim of abuse, being in a household where others are in prison or experiencing drug and alcohol abuse, having a parent with mental health problems. There is now increasing evidence about the considerable psychological and physical health effects of ACEs. The Emotional Wellbeing and Resilience project will span five years and is focused on improving our approaches for those children who are affected by ACEs, along with making Shetland a trauma informed community and improving our children's emotional health and resilience. This will include how we identify children affected by ACEs, how services respond to them, evidence based practice, engaging with children, prevention and changing culture to create a trauma informed community.

#### **2.1.6 Shetland Multi-agency Anti-bullying Framework**

This Framework was launched in 2017. Domestic Abuse can be seen as a form of bullying within a relationship (or former relationship) and there are clear links with this domestic abuse strategy. Through the Framework, the Shetland Community Safety and Resilience Board and the Shetland Planning Partnership want to give a strong and clear message that there should be a zero tolerance approach to any form of bullying behaviour that harms children, young people and adults. The focus of the framework is on keeping people safe, supporting those harmed, challenging any form of bullying behaviour and if necessary using appropriate legal measures to tackle bullying behaviour.



### 3. Aims and objectives

#### 3.1.1 Aim

The overarching **aim** of this Strategy is to reduce the number of children, young people and adults affected by gender based violence, particularly domestic abuse and sexual violence, and to minimise the consequences.

This is to support the Shetland Partnership **vision**: *“Shetland is a place where everyone is able to thrive; living well in strong, resilient communities; and where people and communities are able to help plan and deliver solutions to future challenges”*

#### 3.1.2 Objectives:

- To raise public and professional awareness of, and challenges attitudes towards, gender based violence and its consequences on an ongoing basis through a local communications plan, a staff training plan and development of organisational GBV policies.
- To protect and support those who experience or are affected by gender-based violence through:
  - increasing the proportion of people experiencing domestic abuse and sexual violence who report these incidents to the police and increasing the number of detections
  - ensuring the effectiveness and sustainability of the MARAC, including securing long term funding
  - developing and / or commissioning evidence based and cost effective services to meet the needs of the Shetland population.
- To reduce harm to children and young people as a result of gender based violence, through identification of those at risk and provision of appropriate dedicated services.
- To ensure local GBV work is inclusive i.e. including people of any age, gender identity, sexuality, faith, ethnicity, socio-economic background and ability.
- To support the wider local work on tackling the underlying causes of sexual violence and abusive relationships, specifically with children and young people.
- To prevent offending and re-offending through violence reduction programmes and criminal justice work.

These fit with the [national priorities](#) in the Equally Safe Strategy:

- Scottish society embraces equality and mutual respect, and rejects all forms of violence against women and girls.
- Women and girls thrive as equal citizens: socially, culturally, economically and politically.
- Interventions are early and effective, preventing violence and maximising safety and wellbeing of women and girls.
- Men desist from all forms of violence against women and girls, and perpetrators of such violence receive a robust and effective response

### **3.1.3 Indicators**

#### **Awareness raising**

- Number of staff attending training / accessing online course

#### **Protection & Support**

- Number and rate of reports of domestic abuse and sexual assault /rape to Police Scotland
- Number and rate of detections of domestic abuse and sexual assault /rape
- Number of referrals and re-referrals to MARAC
- Number of referrals to Womens' Aid
- Number of women supported by Womens' Aid
- Number of women housed in refuge and number who could not be housed there.
- Number of referrals to Shetland Rape Crisis
- Number of adults supported by Shetland Rape Crisis
- Number of patients reporting rape or sexual assault at Sexual Health Clinic
- Number of people identified through routine enquiry in NHS settings
- Number of homeless presentations where applicant is citing reason for homelessness as relationship breakdown; violent or abusive

#### **Reducing harm to children**

- Number of children housed in refuge and number who could not be housed there.
- Number of children seen by Women's Aid
- Number of children supported by Shetland Rape Crisis
- Number of children referred for child protection concerns where domestic abuse or sexual violence is an issue
- Number of children on Child Protection Register where domestic abuse or sexual violence is an issue

#### **Inclusivity**

- Breakdown of MARAC figures

#### **Tackling underlying causes of violence**

- Indicators to be developed

#### **Prevent offending and re-offending**

- Indicators to be developed in line with Community Justice Partnership Outcome Improvement Plan.

## **4. How well do current services meet identified need**

### **4.1 How many people in Shetland are affected by domestic abuse and sexual violence?**

It is difficult to assess the true prevalence of domestic abuse and sexual violence in Shetland because many people affected are either unable to present to services, for many reasons, or choose not to. Figures tend to be based on the number of incidents reported to the police, the number of people presenting to specialised services and the number of people identified through routine enquiry or screening. We know that there will be some double counting in these figures, and also under-reporting. When figures increase over time this can be due to either a genuine increase in incidents (which is a poor outcome), or increased reporting (which is a good outcome).

As part of the implementation of this strategy we will be developing more systematic processes for data collection to report on the indicators described above.

#### **4.1.1 Prevalence of domestic abuse - key points**

- It is usually stated that around 1 in 4 women will experience some form of domestic abuse.
- WHO figures show that globally, the lifetime prevalence of physical and sexual intimate partner violence and abuse for women is around 30%. It is very difficult to know how many men are affected as reporting tends to be even less than for women.
- In Scotland, in 2016-17, there were 58,000 incidents reported.<sup>3</sup> Where gender information was recorded, 79% of all incidents of domestic abuse in 2016-17 had a female victim and a male accused: this is a decrease from 85% in 2007-08. 18% of incidents had a male victim and a female accused, a rise from 13% in 2007-08. These figures imply that more men are now victims, or more men are reporting incidents.
- In Shetland in 2016-17 there were 115 incidents reported to the police, a steady increase from 51 in 2007-08. 50% of these included a specific crime or offence (compared to 47% nationally).
- The rate of reporting in Shetland in 2016-17 was 50 per 10,000 population compared to 109 per 10,000 nationally, approximately 20 incidents.
- In 2017, there were 35 cases discussed at MARAC, which is 38 cases per 10,000 adult women compared to 21 per 10,000 for Scotland. All the individuals were female. There were 62 children involved in these cases.
- In 2017-18, 111 referrals were received by Shetland Women's Aid for their Women's Service. 42 women received specialist counselling and 69 specialist support. 64 referrals were received by the children and Young People's Service. 18 children and young people received specialist counselling sessions and 46 received specialist support. 32 women were supported by the Independent Domestic Abuse Advocate as part of the MARAC process.
- In 2017-18, Shetland Women's Aid supported 4 women and 9 children through the refuge and in 2017-18 and were at capacity for 70% of the year.

#### **4.1.2 Prevalence of sexual violence – key points**

- There were nearly 11,000 sexual offences reported in Scotland in 2016-17, the highest level since 1971 when comparable statistics are available.
- More than half were rape, attempted rape and sexual assault.
- However the rate in Shetland (9 per 10,000 population) was the lowest Scotland, the Scottish average being 20 per 10,000.
- Shetland Rape Crisis had 24 referrals and supported a total 51 adults in 2017-18 : including 6 through the Rape Crisis Scotland National Advocacy Project (NAP)
- Shetland Rape Crisis supported two children through NAP in 2017-18.

Further statistics and needs assessment data can be found on the [Safer Shetland website](#).

## **4.2 Evidence based practice – what works?**

### **4.2.1 Domestic Abuse**

There have been a number of reviews and sets of recommendations for dealing with domestic abuse, or intimate partner violence which is an increasingly preferred term.<sup>4 5 6</sup> The evidence base for the full range of interventions is patchy, however there are some consistent findings which can be applied to the local context.

#### **Prevention**

The evidence around prevention tends to focus on attitude or educational change rather than any impact on behavioural outcomes, which can be due to the difficulties in measuring outcomes. Most preventative work focuses on young people but there is limited evidence on what is most effective. Interventions aimed at adults are often awareness raising campaigns, but the evidence of effectiveness of these is inconsistent, some but not all seem to work.

#### **Identification of domestic abuse**

There is evidence that routine enquiry, or screening, within specific healthcare settings and situations can improve identification and disclosure of domestic abuse, particularly routine enquiry in pregnancy. There does not seem to be one tool that is better than another, or any specific training programme for staff. However organisational support and policies promote identification and referral. System centred interventions, with some degree of training and supportive materials have been shown to increase referral rates in the short term (in health settings).

#### **Interventions for those who have experienced domestic abuse**

A number of interventions have been shown to be effective including advocacy along with a range of skills-based, counselling and therapeutic interventions. Demonstrated outcomes have included reduced rates of intimate partner violence and abuse, increased safety, improved mental health and wellbeing, improved pregnancy and

child outcomes and increased access to community resources. However research in this area has tended to be with specific groups of women, often in refuge accommodation, and not the broad range of people who may be affected.

- Advocacy has been shown to be effective particularly for women who have actively sought help from professional services or are in a refuge setting, can reduce abuse, increase social support and quality of life and lead to increased use of safety behaviours and accessing of community resources.
- Group interventions have been shown to reduce abuse and improve psychological outcomes, including self esteem and coping with stress
- There is some evidence that psychological interventions are effective in reducing depression in women with a history of partner violence. The WHO recommendations for health interventions for intimate partner violence include
  - Appropriate mental health services for specific mental health conditions (either pre-existing or as a consequence of intimate partner abuse)
  - Cognitive behavioural therapy (CBT) or eye movement desensitization and reprocessing (EMDR) interventions are recommended for women who are no longer experiencing violence but are suffering from posttraumatic stress disorder (PTSD).
  - Psychotherapeutic interventions for children affected by intimate partner violence
- Multi-agency case conferences have been shown to have a positive effect on outcomes.

## Perpetrators

A range of interventions are available but there is no clear evidence regarding the best approach. The main focus for interventions Individual and group programmes, both short term and long term, have been studied but with no consistent results. However, it is acknowledged that in order to prevent and improve the safety and quality of lives for women and children, perpetrators must be included in intervention work. Most long terms structured programmes will include equipping perpetrators with techniques to better control their behaviour and reactions; helping them learn to communicate more positively with their (ex) partners; improved understanding of the nature of abuse and of appropriate behaviour in relationships; a greater awareness and understanding of the inequalities that exist between men and women; and a more 'positive mindset' about both their relationships and themselves.

### 4.2.2 Sexual violence

According to the World Health Organisation<sup>7</sup>, the evidence base is extremely limited in terms of effective interventions for **preventing** sexual violence. The evaluation of interventions such as registration of local sex offenders, residence restrictions on sex offenders (e.g. not living near schools) and electronic monitoring of sex offenders suggests they are largely based on myths about sexual violence and coercion, rather than evidence, and have been ineffective in preventing sex crimes or protecting children.

Other approaches have been more successful including:

- Strategies to prevent dating violence among young people in high-income countries have been rigorously evaluated, and some evidence suggests they may be effective.
- Some school-based initiatives in low- and middle-income countries have also demonstrated promise for reducing levels of sexual harassment and abuse, particularly those that use comprehensive, 'whole-school' and community outreach approaches.
- Prenatal and postnatal home-visiting programmes have been shown to reduce the risks of physical and psychological child maltreatment and neglect: these forms of abuse are known risk factors for both sexual violence perpetration and victimisation later in life.
- Other promising initiatives include strategies to promote changes in gender norms and behaviours, and community-based efforts to improve the social and economic status of women.

In addition to the limited evidence for effective interventions, the literature also provides some principles of good practice for **addressing sexual violence**.

These principles include:

### **Provide a comprehensive response to the needs of survivors**

This response should include:

- psychological support (and referral for mental health care if needed)
- emergency contraception
- treatment and prophylaxis for sexually transmitted infections
- prophylaxis for HIV as appropriate
- information on safe abortion
- forensic examination (if a woman decides to pursue prosecution).

### **Build the knowledge base and raise awareness about sexual violence**

This includes using data on prevalence and patterns to engage governments and policy-makers in addressing this issue and convince them of the public health impact and costs of sexual violence.

### **Promote legal reforms**

This includes:

- strengthening and expanding laws defining rape and sexual assault
- sensitising and training police and judges about sexual violence
- improving the application of existing laws.

### **4.3 What works well in Shetland**

The range of services available in Shetland can be found in the [Directory of Services](#) on the Safer Shetland website.

We do have a number of services and initiatives in place currently and planned, that should be effective according to the evidence base described above, and several are indeed working well in Shetland. These include:

- MARAC process - a multi-agency case conference as described in 2.1.2 above.
- Advocacy – there are specialist advocacy workers in both Women’s Aid and Shetland Rape Crisis
- Forensic Medical Examination services - as described in 2.1.3 above
- Psychological support - within Women’s Aid and Shetland Rape Crisis
- Children and Young People’s counselling service at Women’s Aid
- Routine Enquiry in NHS Settings -specifically Maternity and Accident & Emergency Department
- Delivery of workshops in schools by both Women’s Aid (Healthy Relationships and Domestic Abuse awareness sessions with all S3s) and Shetland Rape Crisis (Rape Crisis Scotland National Prevention Programme)

### **4.4 Gaps in service provision in Shetland**

However, there are a number of gaps in service provision which have been identified by the partners within the SDAP.

#### **4.4.1 Capacity**

There are capacity issues across all services but specifically

- Refuge capacity - there is currently provision for just one family in the local Women’s Aid refuge, and this could be used by a woman fleeing domestic abuse from any part of the UK.
- Women’s Aid needs increased staff capacity to avoid a waiting list. There is no waiting list for high risk clients and support service currently, but there is still a capacity issue. However there is currently a waiting list for children’s service and adult counselling.
- Shetland Rape Crisis currently has a waiting list for specialist trauma psychotherapy and needs to increase capacity across all its services to meet increasing demand.
- Mental health services for specialist psychological support.

#### **4.4.2 Clear referral pathways**

Whilst there is good inter-agency working Shetland, referral pathways are not always clear and consistent.

#### **4.4.3 Training**

Training to date has been largely ad hoc and dependant on external funding pots; there needs to be a sustainable rolling training programme, based on best practice and incorporating trauma informed practice.

#### **4.4.4 Prevention**

Although there is already input to secondary schools, Women's Aid are keen to deliver preventative work in primary schools, and Shetland Rape Crisis is aiming to increase their capacity for preventative work.

#### **4.4.5 Specialist support services for men affected by domestic abuse**

Women's Aid is unable to work with men affected by domestic abuse at present, and therefore we are reliant on national helplines and organisations for specialist support. Victim Support does provide a generic support to victims, but not a specialist domestic abuse service. Shetland Rape Crisis provides services for all genders affected by sexual violence.

#### **4.4.6 Appropriate media reporting**

There have been issues with media reporting in relation to gender based violence (and also in relation to the reporting of stories relating to mental health and criminal justice). Being a very small community, media reporting can be an extremely sensitive issue which is exacerbated by the widespread use of social media for commenting on local press stories.

#### **4.4.7 Ongoing work on awareness raising with both professionals and public**

Awareness raising is a key underlying activity to support prevention, recognition of GBV and access to services. This has to be ongoing with messages targeted to different audiences. Whilst there has been significant awareness raising work, this has tended to be opportunistic since the loss of dedicated funding for the Partnership. There is a gap in having a planned programme to ensure that both the community and professionals maintain an awareness and understanding of the issues.

#### **4.4.8 Lack of organisational Gender Based Violence Policies**

NHS Shetland is the only local organisation with a policy at present, this is based on national guidance for the NHS which is currently being reviewed. In common with many other local authorities, Shetland Islands Council does not currently have a dedicated policy but work is underway to take this forward. The Partnership is not aware of any other local organisations that have such a policy.

#### **4.4.9 Work with perpetrators**

There are a number of programmes for working with people who are perpetrators of gender based violence, however these can be difficult to implement in a small community with limited resources. In Shetland we use the Respect programme with men who have been convicted of violence against women. However locally we do not have the resources to work with perpetrators who have not been convicted and referred on a Court Order.



## 4.5 Funding

There is currently no single budget for domestic abuse and sexual violence services.

Shetland Islands Council and NHS Shetland services and activities are all funded from individual departmental budgets, and not specifically earmarked for GBV work. There are no dedicated staff for this work, but it is picked up within individual remits.

Shetland Women's Aid receives grant funding from the Big Lottery (until 2019), Scottish Government Violence Against Women and Girls (VAWG) Fund and through a Service Level Agreement with the Integration Joint Board. One element of this is for Children and Young people counselling and the other element is for refuge provision and work with adult victims.

Shetland Rape Crisis receives funding from the Government, but no local funding from public bodies.

Survivors of Sexual Childhood Abuse Information and resources (SSCHAIR) has received grants for a number of different funding bodies.

Up until July 2017, the MARAC had been funded through the VAWG fund– which covered management costs at Women's Aid; co-ordination through Safer Highland; a dedicated Advocate at Women's Aid; training and publicity materials. However, VAWG funding has been withdrawn for MARAC and now only funds the Independent Advocacy post.

The co-ordinator role was funded by the Integration Joint Board (Community Health and Social Care services) in 2017-18, and will be funded through to 2019, but there is still an identified gap going forward in the funding required to run the MARAC. However, if MARAC becomes a statutory function then there may be a clearer route for local funding.

## **5. Actions**

These are the key actions to be included in the Strategy Implementation Plan for the next five years.

### **5.1 Criteria for prioritising actions**

Actions have been prioritised based on

- Supporting the individuals most at risk and in need of support / services
- Evidence based practice
- Realistic timescales – based on resources and funding available

### **5.2 Short term actions (by end March 2019)**

- Secure funding for the continuation of MARAC for 2018-19 and beyond.
- Implement locally based forensic medical examination and healthcare services for the victims of rape and sexual assault.
- Develop and implement a communications plan to raise awareness amongst public and professionals, utilising social media and other platforms, in the context of the Safer Shetland Communications Strategy.
- Map current preventative work in schools (and other settings for young people), in context of wider violence reduction education and relationship work to identify gaps and duplication.
- Develop and adopt a gender based violence policy for the Shetland Islands Council.
- Review the NHS Shetland gender based violence policy, including evaluation of its use to date.
- Provide support and guidance (e.g. simple checklists) for organisations not yet ready to adopt a policy.

### **5.3 Medium term actions (by end October 2020)**

- Further development of forensic medical examination and healthcare services for the victims of rape and sexual assault (informed by the work of the Chief Medical Officer's Taskforce and also regional work) to ensure maintenance of high standards and sustainability into the future.
- Through a training sub-group, develop and implement a rolling multi-agency training programme, in line with the NES Transforming Psychological Trauma Framework. This will need to incorporate training needs as a result of changes in legislation (for example inclusion of psychological abuse and controlling behaviour into Scottish domestic abuse law).
- Develop and implement a comprehensive programme for preventative work in both primary and secondary schools (and other settings for young people) covering domestic abuse and sexual violence primarily, along with other elements of GBV (in line with the Curriculum for Excellence). This will incorporate the workshops already delivered by Shetland Rape Crisis and

Shetland Women's Aid and compliment the programmes already being delivered around sexual health, relationships and parenting.

- Develop and implement consistent and clear signposting and referral pathways, including into appropriate mental health services.
- Support other organisations in the development / adoption of a gender based violence policy for their staff and clients.
- Explore feasibility of including a wider range of perpetrators in perpetrator programmes where appropriate

#### **5.4 Longer term actions (by end March 2022)**

- Evaluation of training programme.
- Evaluation of the preventative work programme in schools (and other settings for young people).
- Evaluation and ongoing development of communications plan.
- Implementation of evidence based and cost effective interventions for a wider range of perpetrators, if deemed feasible and affordable.

## 6. References

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<sup>1</sup> Scottish Government's Equally Safe Strategy  
<https://beta.gov.scot/publications/equally-safe/>

<sup>2</sup> Shetland's Partnership Plan (2018)  
[www.shetland.gov.uk/communityplanning/documents/180801SPPforWebFINAL.pdf](http://www.shetland.gov.uk/communityplanning/documents/180801SPPforWebFINAL.pdf)

<sup>3</sup> Police Scotland statistics  
<https://beta.gov.scot/binaries/content/documents/govscot/publications/statistics-publication/2017/10/domestic-abuse-recorded-police-scotland-2016-17/documents/00526358-pdf/00526358-pdf/govscot:document/?inline=true/>

<sup>4</sup> Dr Eileen Scott, NHS Health Scotland (2015) A Brief Guide to Intimate Partner Violence and Abuse  
[www.healthscotland.scot/media/1166/brief-guide-to-intimate-partner-violence\\_5466.pdf](http://www.healthscotland.scot/media/1166/brief-guide-to-intimate-partner-violence_5466.pdf)

<sup>5</sup> NICE Guidance (2014) <https://www.nice.org.uk/guidance/ph50/resources/domestic-violence-and-abuse-multiagency-working-pdf-1996411687621>

<sup>6</sup> WHO (2013) Responding to intimate partner violence and sexual violence against women  
[http://apps.who.int/iris/bitstream/handle/10665/85240/9789241548595\\_eng.pdf?sequence=1](http://apps.who.int/iris/bitstream/handle/10665/85240/9789241548595_eng.pdf?sequence=1)

<sup>7</sup> WHO (2012) Understanding and addressing violence against women: Sexual violence  
[http://apps.who.int/iris/bitstream/handle/10665/77434/WHO\\_RHR\\_12.37\\_eng.pdf;jsessionid=FA266EA93F6895A4499497DFBFD850D?sequence=1](http://apps.who.int/iris/bitstream/handle/10665/77434/WHO_RHR_12.37_eng.pdf;jsessionid=FA266EA93F6895A4499497DFBFD850D?sequence=1)

# **Appendices**

- A. Definitions of Gender Based Violence**
- B. Current National Work on Gender Based Violence**
- C. Membership of Strategy Group during 2018**

## Appendix A Definitions of Gender based violence

The previous Domestic Abuse Strategy contained the following definition of domestic abuse:

**“Domestic abuse** (as gender-based abuse), can be perpetrated by partners or ex partners and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade and humiliate women and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, racial abuse, withholding money and other types of controlling behaviour such as isolation from family or friends).”

However, domestic abuse is now often included within a wider range of issues under the heading ‘Gender based Violence’ (GBV).

**Gender based violence** covers:

- Domestic Abuse
- Rape and Sexual Assault
- Harassment and Stalking
- Commercial Sexual Exploitation
- Childhood Sexual Abuse (CSA)
- Human Trafficking
- Harmful Traditional Practices (including forced marriage and female genital mutilation FGM)

Some definitions have a far greater emphasis on gender (female) inequality and the fundamental issue of male power and female subordination. This is alongside an acknowledgement that men can be victims. Whilst more women than men are victims of all forms of GBV, the difference in rates varies: FGM is solely violence against women but CSA is estimated to affect up to 13% of boys and 30% of girls. It is also acknowledged that under-reporting is often greater for males than females.

The Scottish Government defines **gender-based violence** as:

“a function of gender inequality, and an abuse of male power and privilege. It takes the form of actions that result in physical, sexual and psychological harm or suffering to women and children, or affront to their human dignity, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. It is men who predominantly or exclusively carry out such violence, and women who are predominantly the victims of such violence. By referring to violence as “gender-based”, this definition highlights the need to understand violence within the context of women’s and girl’s subordinate status in society. Such violence cannot be understood, therefore, in isolation from the norms and social structure and gender

roles within the community, which greatly influence women's vulnerability to violence."

The United Nations uses the terms violence against women, intimate partner violence and sexual violence. Violence against women is defined as:

"any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."

**Intimate partner violence** refers to "behaviour by an intimate partner or ex-partner that causes physical, sexual or psychological harm, including physical aggression, sexual coercion, psychological abuse and controlling behaviours".

**Sexual violence** is "any sexual act, attempt to obtain a sexual act, or other act directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. It includes rape, defined as the physically forced or otherwise coerced penetration of the vulva or anus with a penis, other body part or object".

## Appendix B Current National Work on Gender Based Violence

1. Implementation of [Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls](#)
2. Investment of [funding for prevention and support projects](#)
3. [Strengthening the law](#) to give victims better protection, improve courts' responses, hold those committing these crimes to account and improve public safety

The [Abusive Behaviour and Sexual Harm \(Scotland\) Act 2016](#) modernises the law on domestic and sexual abuse. The following provisions came into force on 24 April 2017:

- introduce a 'statutory domestic abuse aggravator' to ensure courts take domestic abuse into account when sentencing offenders
- give courts power to make non-harassment orders in cases where they cannot do so at present
- require judges to give juries specific directions when dealing with sexual offence cases to help improve access to justice for victims
- extend Scottish courts extra-territorial jurisdiction over sexual offences committed against children to cover the other jurisdictions of the United Kingdom.

The Act also makes provision to:

- create an offence of sharing private intimate images without consent (commonly known as 'revenge porn') with a maximum penalty of five years' imprisonment
- reform the system of civil orders to protect the public from people who pose a risk of sexual harm

Following consultation on domestic abuse legislation in 2016, the First Minister launched the Domestic Abuse (Scotland) Bill in March 2017. The [Domestic Abuse \(Scotland\) Act 2018](#) is intended to better reflect victims' experiences, particularly those who suffer ongoing coercive and controlling behaviour by their partner or ex-partner.

4. Implementation of a [Female Genital Mutilation \(FGM\) National Action Plan](#)

The [Prohibition of Female Genital Mutilation \(Scotland\) Act 2005](#) made it a criminal offence to have female genital mutilation carried out in Scotland or abroad, and increased the maximum penalty from five to 14 years imprisonment. [Scotland's national action plan to prevent and eradicate FGM](#) was produced in 2016 in partnership with Police Scotland, the NHS, councils and third sector organisations. A [year one report on the FGM national action plan](#) was published in October 2017.



## 5. Delivering increased protection for people trapped in, or under the threat of, [forced marriage](#)

The [Forced Marriage etc. \(Protection and Jurisdiction\) \(Scotland\) Act 2011](#) came into force in November 2011. This introduced Forced Marriage Protection Orders (FMPO) to protect people from being forced to marry, or who are already in a forced marriage. To extend protection to those at risk, [forcing someone into marriage was made a criminal offence in Scotland in September 2014](#).

Statutory and practitioner guidance was produced in 2014. The Statutory guidance describes the responsibilities of chief executives, directors and senior managers in agencies that handle cases of forced marriage and roles and responsibilities, accountability, training, interagency working, information sharing, risk assessment and record keeping.

- [Forced marriage statutory guidance 2014](#)
- [Forced marriage Scottish statutory guidance: supplementary guidance, published 2014](#)

The Multi-Agency Guidance is for frontline staff and volunteers in agencies and organisations who are likely to come across adults, children or young people threatened with, or in, a forced marriage.

- [Forced marriage practitioner guidance, updated 2014](#)
- [Summary multi-agency practice guidelines, published 2011](#)

The Government also produced [guidance to help legal professionals to work with victims of forced marriage](#) sensitively and effectively, and also with other agencies involved with the victim.

## 6. Establishment of the [Taskforce to Improve Services for Rape and Sexual Assault Victims](#)

This was set up in 2017 by the Chief Medical Officer to consider what improvements were required for healthcare and forensic medical services for those who have experienced rape and sexual assault. The Taskforce intends to:

- drive improvements in the provision of healthcare and forensic medical services for victims of sexual assault
- provide the necessary leadership so that Health Boards commit to deliver trauma informed services to better meet the needs of victims
- reduce unnecessary delays
- address situations where victims have to travel unreasonable distances to be examined
- tackle issues around the availability of female doctors to contribute to the delivery of these services
- consider the HMICS report, HMICS Strategic Overview of Provision of Forensic Medical Services to Victims of Sexual Crime 2017, on current

arrangements for forensic medical examinations in sexual offences cases in Scotland, including the recommendations about consistency in the standards of care and support for victims

- ensure that NHS Boards are meeting the National Standards developed by Healthcare Improvement Scotland

**Appendix C Members of the Shetland Domestic Abuse Partnership during 2017 and 2018 who contributed to development of this Strategy.**

Ian Bray, Shetland Islands Council, Housing Services

Police Inspector Martyn Brill, Police Scotland

Kate Gabb, Shetland Islands Council, Adult & Child Protection

Linda Gray, Shetland Rape Crisis

Gordon Greenlees, Police Scotland, H&I MARAC Co-ordinator

Wendy Hatrick, NHS Shetland, Public Health

Laura Herculson, SSCHAIR

Janice Irvine, NHS Shetland, Child & Adult Protection Lead

Dr Susan Laidlaw, NHS Shetland, Public Health

Rachel McDill, Shetland Islands Council, Community Planning & Development

Phillip Morrison-Gale, Hjaltland Housing Association

Fiona Morton-Cluness, Shetland Islands Council, Criminal Justice Social Work

Stephen Renwick, Shetland Islands Council

Vaila Robertson, Anderson and Goodlad Solicitors

Leigh-Ann Sinclair, Hjaltland Housing Association

Melanie Smith, NHS Shetland, Health Improvement

Laura Stronach, Shetland Women's Aid

Chief Inspector Lindsay Tulloch, Police Scotland

Councillor Amanda Westlake, Shetland Islands Council

Not all individuals were members of the Partnership throughout the whole period of the strategy development. Not all members attended Partnership meetings, but all had the opportunity to comment on the development of the Strategy and to consult with their respective organisations (where applicable).



## Appendix 2

### Direction from the Integration Joint Board

#### Domestic Abuse and Sexual Violence Services

1.	Reference Number	CC-08-19
2.	Date Direction issued by IJB	23 January 2019
3.	Date from which Direction takes effect	23 January 2019
4.	Direction to:	Shetland Islands Council & NHS Shetland
5.	Does the Direction supersede, amend or cancel a previous Direction – if yes include IJB reference number	No
6.	Functions covered by the Direction	<ul style="list-style-type: none"> <li>• Protection and support for those who experience or are affected by gender-based violence</li> <li>• Multi Agency Risk Assessment Conference (MARAC)</li> <li>• Custody Healthcare and Forensic Medicine Services (for rape and sexual assault)</li> <li>• Awareness raising - public, organisational and professional</li> <li>• Staff training and development of organisational policies and approaches to Gender Based Violence</li> <li>• Specialist commissioned services, including refuge accommodation, advocacy, counselling and support</li> <li>• (indirectly) to support the prevention of offending and re-offending through violence reduction programmes (primarily the function of the Criminal Justice service)</li> </ul>
7.	Full text of Direction	<ul style="list-style-type: none"> <li>• Deliver universal and specialist domestic abuse and sexual violence services</li> <li>• Implement the Shetland Domestic Abuse and Sexual Violence Strategy 2018-23</li> </ul>
8.	Budget allocated by IJB to carry out Direction.	<p>The cost of providing services, support and advice for people affected by Domestic Abuse and Sexual Violence forms part of the staff costs and time already accounted for in other Directions already approved.</p> <p>These services will include, but not be limited to:</p>

		<ul style="list-style-type: none"> <li>- Accident and Emergency</li> <li>- Maternity</li> <li>- Child Health</li> <li>- Adult Social Work</li> <li>- Primary Care</li> <li>- Community Nursing</li> <li>- Mental Health</li> </ul> <p>The cost of the MARAC service is estimated to be £5,600 in 2019-20. The budget is split 50/50 between NHS Shetland and Shetland Islands Council. The Social Care budget is held under Social Care – Commissioned Services and the NHS Budget is held under the Community Health and Social Care Directorate.</p> <p>The cost of the payment to Shetland Women’s Aid is estimated to be £70,000 in 2019-20 and is included in the Social Care – Commissioned Services budget.</p>
9.	<b>Outcomes</b>	<ul style="list-style-type: none"> <li>• Contribute to the delivery of local priorities that support the community to have improved health and wellbeing, lead healthy, active lives that maintain independence and allow people to contribute to society in a positive way through Our Plan 2016-2020, Shetland’s Corporate Plan; the Joint Strategic Commissioning Plan and the National Health and Wellbeing Outcomes</li> </ul>
10.	<b>Performance monitoring arrangements</b>	Quarterly Reporting
11.	<b>Date of review of Direction</b>	By March 2023



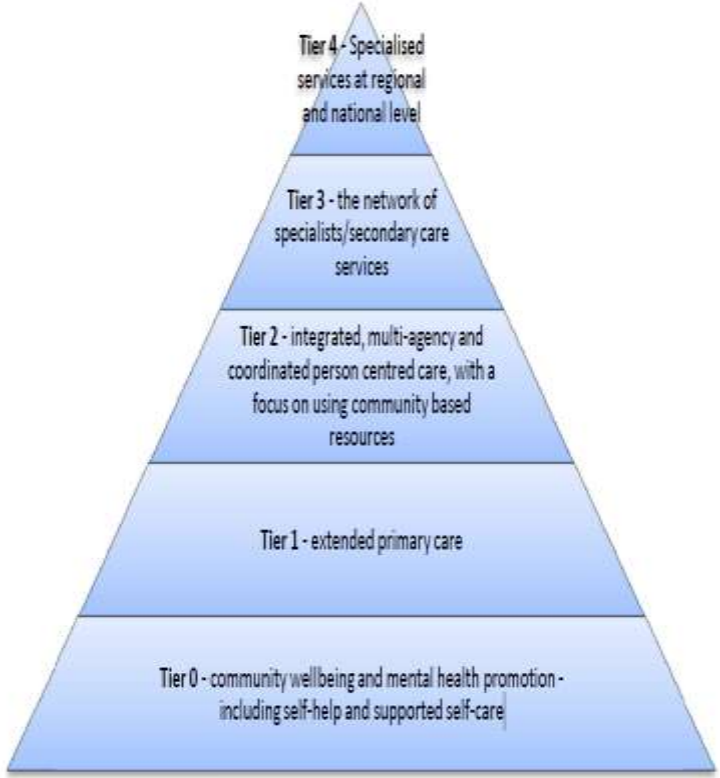
# **Shetland Islands Health and Social Care Partnership Direction for Domestic Abuse and Sexual Violence Services**

Service Model  
Outcomes Framework  
Improvement Plans

January 2019

## Service Model

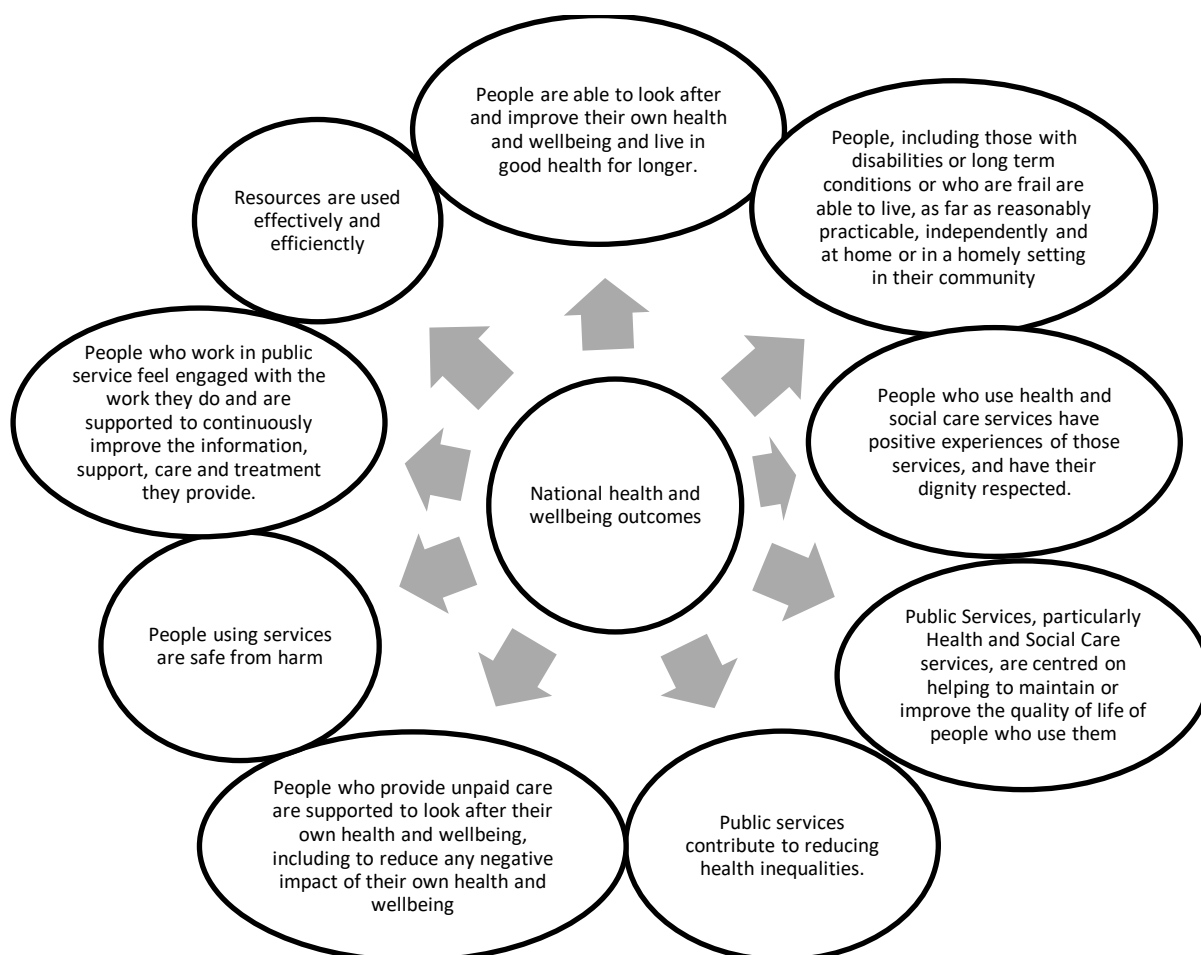
The service model and indicative activity levels (where available) for services to adults are shown below. This is the service model that the IJB is commissioning directly from NHS Shetland and Shetland Islands Council and through them from other NHS Boards and the voluntary sector.

 <p>Tier 4 - Specialised services at regional and national level</p> <p>Tier 3 - the network of specialists/secondary care services</p> <p>Tier 2 - integrated, multi-agency and coordinated person centred care, with a focus on using community based resources</p> <p>Tier 1 - extended primary care</p> <p>Tier 0 - community wellbeing and mental health promotion - including self-help and supported self-care</p>	Current Activity	Numbers Patients / Service Users
	Custody Healthcare and Forensic Medicine Services	
	Referrals to Shetland Rape Crisis	24 Referrals, supported 51 adults (2017-18)
	MARAC Case Conferences	35 cases (38 cases per 10,000) (2017)
	Referrals to Shetland Women's Aid	111 to Women's Service (2017-18)
	Refuge Service	4 women (and 9 children) 2017-18
	Inquiry in Specific Healthcare settings (eg Maternity)	
	Primary Care	
	Social Work	



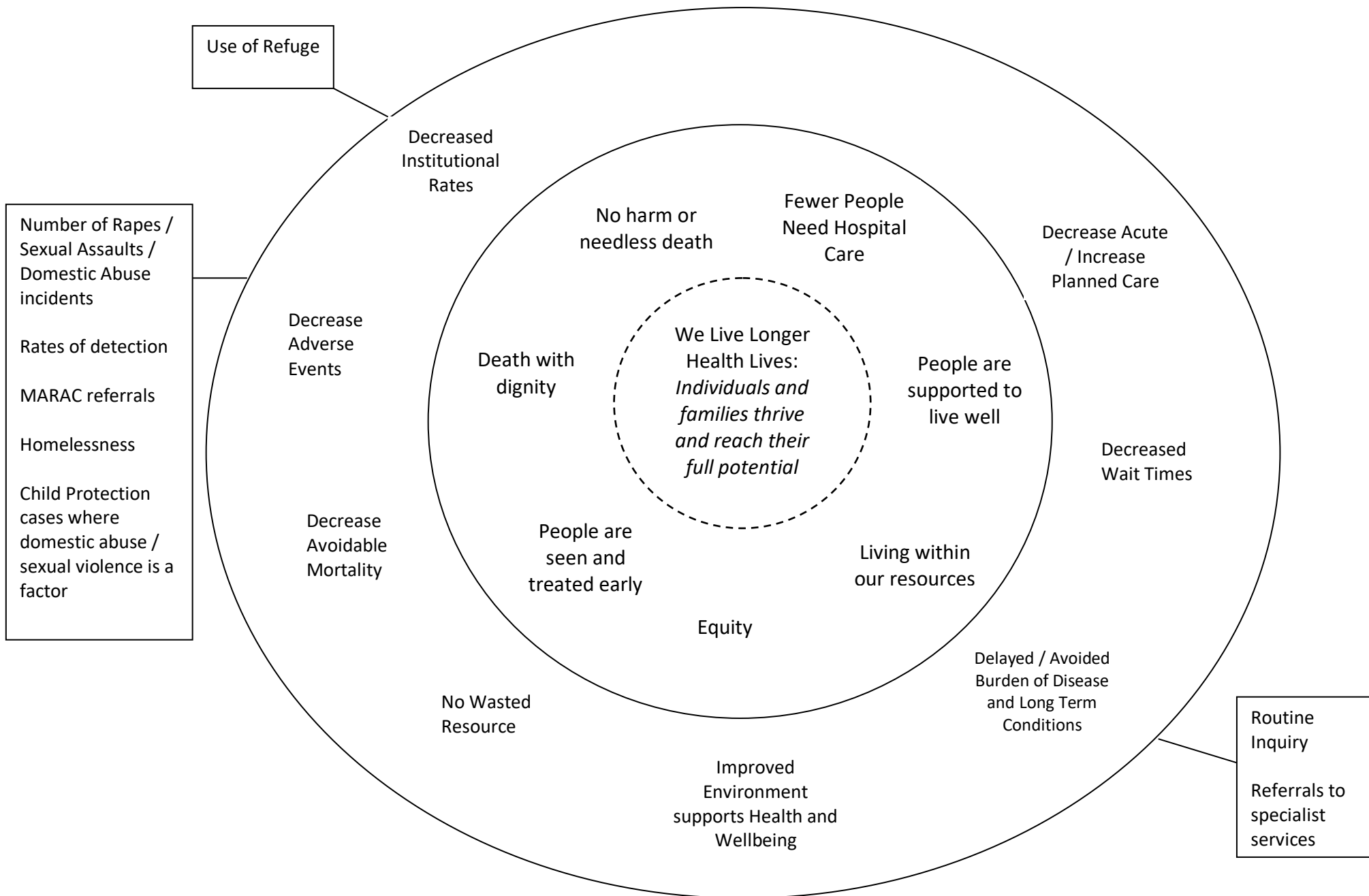
## Outcomes Framework

The IJB Commissions Domestic Abuse and Sexual Violence Services in line with the general Health and Wellbeing Outcomes.



There are no specific outcomes in place for Domestic Abuse and Sexual Violence Services. This will be developed as part of the Improvement Plan in line with the Canterbury, New Zealand Health System Outcomes Framework

(<http://ccn.health.nz/Resources/OutcomesFramework.aspx>) shown below, with examples of indicators.



## **Improvement Plans**

The evidence based review of the Domestic Abuse and Sexual Violence Strategy 2018-23 has identified a number of improvement actions as outlined below.

### **Criteria for prioritising actions**

Actions have been prioritised based on:

- Supporting the individuals most at risk and in need of support / services
- Evidence based practice
- Realistic timescales – based on resources and funding available

### **Short term actions (by end March 2019)**

- Secure funding for the continuation of MARAC for 2018-19 and beyond.
- Implement locally based forensic medical examination and healthcare services for the victims of rape and sexual assault.
- Develop and implement a communications plan to raise awareness amongst public and professionals, utilising social media and other platforms, in the context of the Safer Shetland Communications Strategy.
- Map current preventative work in schools (and other settings for young people), in context of wider violence reduction education and relationship work to identify gaps and duplication.
- Develop and adopt a gender based violence policy for the Shetland Islands Council.
- Review the NHS Shetland gender based violence policy, including evaluation of its use to date.
- Provide support and guidance (e.g. simple checklists) for organisations not yet ready to adopt a policy.

### **Medium term actions (by end October 2020)**

- Further development of forensic medical examination and healthcare services for the victims of rape and sexual assault (informed by the work of the Chief Medical Officer's Taskforce and also regional work) to ensure maintenance of high standards and sustainability into the future.
- Through a training sub-group, develop and implement a rolling multi-agency training programme, in line with the NES Transforming Psychological Trauma Framework. This will need to incorporate training needs as a result of changes in legislation (for example inclusion of psychological abuse and controlling behaviour into Scottish domestic abuse law).
- Develop and implement a comprehensive programme for preventative work in both primary and secondary schools (and other settings for young people) covering domestic abuse and sexual violence primarily, along with other elements of GBV (in line with the Curriculum for Excellence). This will incorporate the workshops already delivered by Shetland Rape Crisis and Shetland Women's Aid and compliment the programmes already being delivered around sexual health, relationships and parenting.
- Develop and implement consistent and clear signposting and referral pathways, including into appropriate mental health services.

- Support other organisations in the development / adoption of a gender based violence policy for their staff and clients.
- Explore feasibility of including a wider range of perpetrators in perpetrator programmes where appropriate

**Longer term actions (by end March 2022)**

- Evaluation of training programme.
- Evaluation of the preventative work programme in schools (and other settings for young people).
- Evaluation and ongoing development of communications plan.
- Implementation of evidence based and cost effective interventions for a wider range of perpetrators, if deemed feasible and affordable.

ENDS



<b>Meeting(s):</b>	<b>Education and Families Committee Policy and Resources Committee Shetland Islands Council</b>	<b>4 February 2019 11 February 2019 20 February 2019</b>
<b>Report Title:</b>	<b>Asset Investment Plan – Business Case – Residential Childcare</b>	
<b>Reference Number:</b>	<b>CPS-01-19-d2</b>	
<b>Author/ Job Title:</b>	<b>Robert Sinclair, Executive Manager – Capital Programme</b>	

## 1.0 Decisions / Action required:

- 1.1 That the Education and Families Committee considers the terms of this report in relation to the impact on services and functions, and **RECOMMENDS** that the Policy and Resources Committee approves preferred Option 3, as set out in Appendix A, for recommendation to Council.
- 1.2 That the Policy and Resources Committee **APPROVES** the recommendation from the Education and Families Committee, namely to: (a) **RECOMMEND** that the Council adopt the preferred Option 3; (b) to procure the facility in partnership with HHA; and (c) to approve an associated budget in the Council's 5-year Asset Investment Plan; and
- 1.3 That the Shetland Islands Council **RESOLVES** to **ADOPT** the recommendations from the Policy and Resources Committee, namely to: (a) instruct the Director of Children's Services to implement the preferred Option 3 for Residential Childcare for Looked After Children as described in Appendix A to this report; (b) to procure the facility in partnership with HHA; and (c) approve an associated budget in the Council's 5-year Asset Investment Plan.

## 2.0 High Level Summary:

- 2.1 This report presents an asset investment proposal for approval, which has been considered by the Council's Asset Investment Group (AIG) based on the submission of a Full Business Case. The AIG has assessed the submission for completeness and confirmed that a sound business case has been made. The proposal also satisfies the requirements of the Council's Spend to Save scheme.
- 2.2 This proposal is provisionally funded within the Council's Asset Investment Plan (AIP) 2018-23, which was approved by the Council on 14 February 2018 (Min Ref: 4/18).
- 2.3 The Full Business Case is provided as Appendix A to this report.

## 3.0 Corporate Priorities and Joint Working:

- 3.1 The Gateway Process for the Management of Capital Projects supports our Financial Strategy, Reserves Policy and Budget Strategy. 'Our Plan 2016 to 2020' states that "Excellent financial-management arrangements will make sure we are

continuing to keep to a balanced and sustainable budget, and are living within our means” and that “We will have prioritised spending on building and maintaining assets and be clear on the whole-of-life costs of those activities, to make sure funding is being targeted in the best way to help achieve the outcomes set out in this plan and the community plan”.

- 3.2 The Council has worked closely with HHA in developing the preferred option. HHA is supportive of this project and is willing to assist early procurement through a design and build arrangement as described in Appendix A of this report.

#### **4.0 Key Issues:**

- 4.1 On 29 June 2016 the Council adopted a new Gateway Process for the Management of Capital Projects, drawing on national and best practice guidance, to ensure the robustness of all capital projects.
- 4.2 This revised process is based on the process developed by the Office of Government Commerce (OGC) and is in common use throughout the public sector. It applies ‘Prince 2’ principles to the process and is aligned with the ‘5-Case Model’ that has been promoted to both Officers and Members through recent ‘Building Better Business Case’ training. A key principle in that procedure is that the Council’s AIP is re-prioritised on an annual basis, however business cases can be processed at any time. By approving a Full Business Case or Business Justification Case, Members are agreeing that the project should progress to the implementation stage, subject to being prioritised and included in the Council’s Asset Investment Plan.
- 4.3 A summary of the business case documents referred to in this report are set out below, along with recommendations from the AIG:
- 4.3.1 Appendix A – Full Business Case – Residential Childcare for Looked After Children
- New build residential childcare service to meet the needs of Looked After Children;
  - Responds to the increase in demand for residential care arising from legislative changes;
  - Will reduce the need for out of authority placements
  - Capital costs of the preferred options are estimated at £870k, to procure the facility in partnership with HHA, and £906k to procure directly by the Council, between 2019/20 and 2020/21;
  - To be progressed as a Spend to Save project;
  - Preferred option has the potential for early delivery by procuring in partnership with Hjalmland Housing Association, subject to Council decision to proceed by March 2019;
  - AIG recommended approval.
- 4.4 In line with ‘5-Case’ methodology, the Full Business Case has revisited all five cases and reassessed the shortlisted option to make sure the Critical Success Factors are best achieved by the preferred option.
- 4.5 The Full Business Case builds on the Strategic Outline Case (SOC) approved by the Council on 19 December 2018 (Min Ref: 65/18). It has revisited the shortlisted options in the SOC and confirmed that the Critical Success Factors are still best achieved by the preferred option.

4.6	The preferred option is also explored in more detail. Specifically, the opportunity to procure the facility in partnership with HHA is compared with traditional direct procurement by the Council. These two procurement options are compared in terms of programme, location and cost.
4.7	The conclusion is that whilst either option would deliver on the critical success factors set out in the SOC, the option to procure in partnership with HHA remains the preferred way forward. The location is suitable, the estimated cost is slightly less, the programme is expected to be shorter and there are no obvious disadvantages from a service perspective.
<b>5.0 Exempt and/ or confidential information:</b>	
5.1	None.
<b>6.0 Implications:</b>	
<b>6.1 Service Users, Patients and Communities:</b>	Upon completion, the proposals described in the appendix to this report would enhance the quality and condition of the assets used by the Council in its delivery of services.
<b>6.2 Human Resources and Organisational Development:</b>	No implications arising directly from this report.
<b>6.3 Equality, Diversity and Human Rights:</b>	No implications arising directly from this report.
<b>6.4 Legal:</b>	Governance and Law provide advice and assistance on the full range of Council services, duties and functions including those included in this report.
<b>6.5 Finance:</b>	<p>The capital project proposal in this report has been budgeted in the 2018-23 Asset Investment Plan pending approval of a Full Business Case.</p> <p>Para 4.7 above indicates that the preferred option is to procure the facility in partnership with Hjaltsland Housing Association at a capital cost of £870k over financial years 2019/20 and 2020/21 In approving the recommendations set out in this report, Members will be granting authority to spend from this budget.</p>
<b>6.6 Assets and Property:</b>	On completion, the proposals described in the appendix to this report would enhance the quality of the Council's asset base and improve the efficiency and cost of operation.
<b>6.7 ICT and new technologies:</b>	No implications arising directly from this report.
<b>6.8 Environmental:</b>	All maintenance and new-build projects seek to address climate change and carbon management, for example by embedding energy saving measures and environmentally friendly materials

	in their design. The project described in the appendix to this report would contribute directly to that objective.	
<b>6.9 Risk Management:</b>	Failure to make adequate provision for Looked After Children creates the risk that more children and young people will be placed outwith Shetland due to a shortage of appropriate residential care places locally, and/or that needs will not be met, leading to poorer outcomes for some of the most vulnerable people in our community.	
<b>6.10 Policy and Delegated Authority:</b>	<p>Matters relating to children and families are delegated to Education and Families Committee.</p> <p>Approval of the financial strategy and budget framework is a matter reserved for the Council having taken advice from Policy and Resources Committee.</p>	
<b>6.11 Previously considered by:</b>	<p>Education and Families Committee</p> <p>Policy and Resources Committee</p> <p>Shetland Island Council</p>	<p>18 December 2018</p> <p>19 December 2018</p> <p>19 December 2018</p>

**Contact Details:**

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[robert.sinclair@shetland.gov.uk](mailto:robert.sinclair@shetland.gov.uk)

4 February 2019

**Appendices:**

Appendix A – Full Business Case – Residential Childcare for Looked After Children

**Background Documents:** None

END



# FULL BUSINESS CASE

Project Title: Residential Child Care for Looked After Children (Spend to Save)

Version:

Issue Date:

## VERSION HISTORY

Version	Date issued	Summary of changes	Owner's Name
0.1	16.01.2019	First draft	Jordan Sutherland
0.2	18.01.2019	Update to commercial and management case	Robert Sinclair
0.3	21.01.2019	Update to Financial case	Mairi Thomson
1.0	21.01.2019	Final Draft	Jordan Sutherland

## **CONTENTS – FULL BUSINESS CASE**

1. Executive Summary
2. Strategic Case
3. Economic Case
4. Commercial Case
5. Financial Case
6. Management Case

## **APPENDICES**

## 1. Executive Summary

### 1.1 Introduction

This Full Business Case seeks approval to invest up to £906k in a new residential childcare service to increase the local provision of residential childcare for looked after children.

#### 1.2.1 The Strategic Context

The Council has a statutory duty to provide care and support for children and young people in need. Key **legislation** in this regard includes:

- Social Work (Scotland) Act 1968
- Children (Scotland) Act 1995
- Adoption and Children (Scotland) Act 2007
- Children & Young People (Scotland) Act 2014

Children and young people in need of care and support from the Council is a priority theme in the Council's Corporate Plan, "**Our Plan 2016-2020**".

Support and protection for vulnerable people of all ages are priorities in the **Shetland Partnership Plan**. The Shetland Partnership Plan has a key focus on prevention, early intervention and tackling inequalities.

Shetland's **Strategic Housing Investment Plan** (SHIP) identifies the need for more affordable/social housing and this is a priority in Our Plan 2016-2020 and in the LOIP.

A target outcome from the **Children's Services Directorate Plan** is that:  
*"We have improved the life chances for children, young people and families at risk".*

The target outcomes of the **Children's Resources Service** are to strengthen families and improve capacity within families to care for children and young people and where this is not possible, as corporate parent, to provide high quality nurturing out of family care and support.

#### Long Term Strategic Goal

The ultimate target outcome would be that there are no children or young people in Shetland in need of care, support or protection from the Council. This would require a generational change that would see prevention and early intervention achieving the priorities and outcomes of Shetland's strategic planning partners.

At this point in time, we are a long way from achieving our goal and we need to address issues with the existing local residential care services for looked after children if we are to avoid increasing the numbers of residential care placements outwith Shetland and poorer outcomes for some individuals.

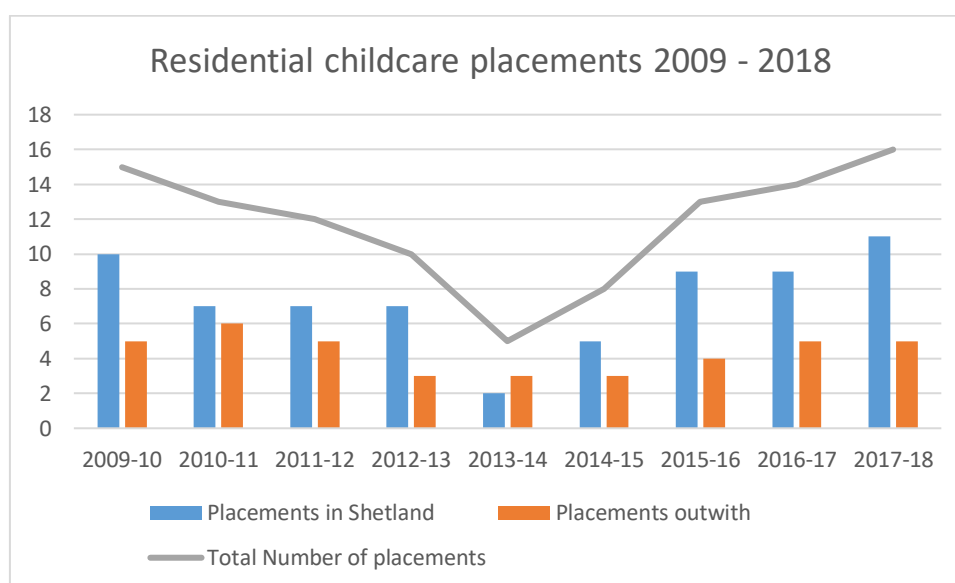
For children and young people who are looked after by the local authority, our aim is to provide stable, secure, and permanent accommodation with the minimum disruption to the young person's life.

## 1.2.2 The case for change

### Current Situation

The numbers of vulnerable children looked after by the Council have been fairly constant for over 20 years. There are, at any one time, around 30 looked after children, most of whom are supported at home, in kinship care or foster care, with a small number in residential care. There are a range of non-residential support services including services provided by Family Support Workers and the Bruce Family Centre.

Residential care provision in Shetland has changed during that time with smaller, more homely residential care facilities developed at Grodians and Windybrae. The graphs below summarises the numbers of looked after children in residential childcare over the last 10 years. The Council has consistently used placements out with Shetland to supplement local capacity for residential childcare.



*The above graph shows the total number of residential childcare placements provided each year, including short term/emergency care.*

The numbers of young people accommodated in residential care has increased since 2013-14, and we anticipate that this increase in demand will continue in the short to medium term following the implementation of the Children and Young People (Scotland) Act 2014, in particular the Continuing Care duty, which gives young people the right to remain in their care placement until the age of 21.

The numbers of secure placements commissioned by the Council are included in the figures above, so the table below is included to show the number of secure placements commissioned each year:

Table 1. Number of Secure Placements commissioned by Shetland Islands Council

Year	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
No .Secure Placements	0	0	1	1	1	0	1	0	0	0	0	1

The need for secure care is infrequent. There are only four providers of secure care in Scotland, and it may therefore be necessary to commission placements outwith Shetland where a young person requires this type of specialist support. However, increasing quality residential childcare capacity locally, may mitigate against the need for secure care in the future.

In the longer term, our work in relation to prevention, early intervention and tackling inequalities will focus on working with families so that the number of children and young people in the care system is reduced. In the meantime, however, existing residential care provision will be insufficient to meet the level of need anticipated.

### Business needs

Currently, there is a shortage of placements in Shetland for young people who require residential childcare. This was highlighted during the Joint Inspection of Children's Services in 2015, and despite reopening Windybrae during 2016, there remains a shortfall in placements in Shetland.

There is a risk that more children and young people will be placed outwith Shetland due to a shortage of appropriate residential care locally, and/or that needs will not be met, leading to poorer outcomes for some of the most vulnerable people in our community.

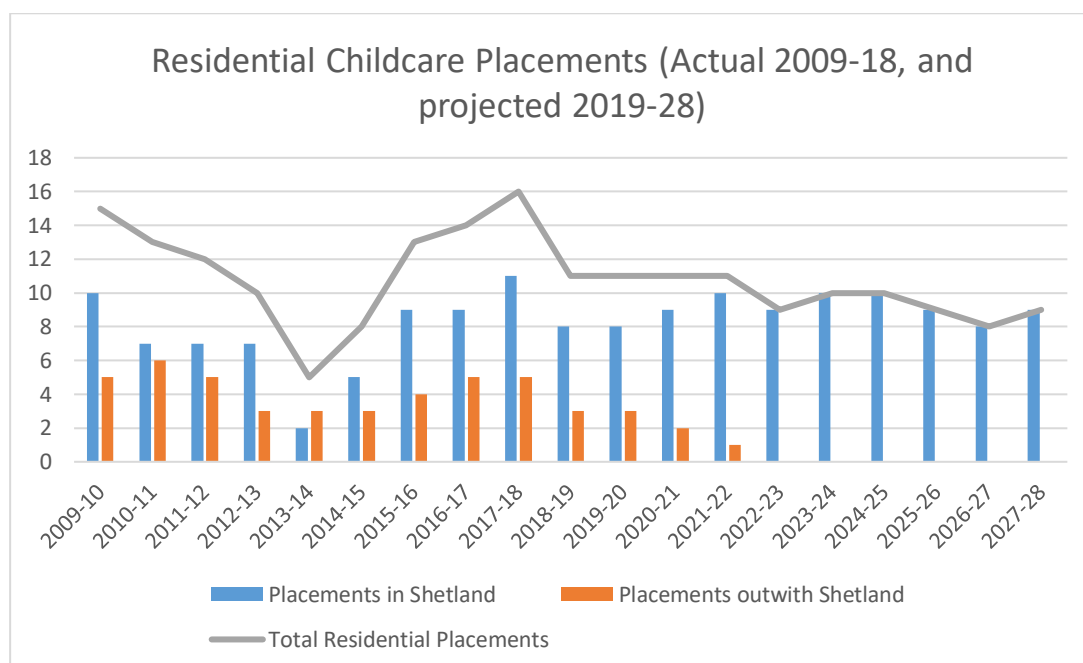
In the longer term, developing and strengthening early intervention and preventative approaches is a key part of the bigger picture along with the development of more coordinated family support services.

The graph below shows the actual number of residential childcare placements over the past ten years, and gives a projection of the anticipated number of children and young people requiring residential care over the next 10 years.

These projections are built on a number of assumptions, including:

- An increase in capacity in Shetland to provide residential childcare
- Consolidating existing single placements services into a larger service, reducing the unit cost of current provision
- By operating from three units, we will have greater flexibility in our on-island residential childcare services to match young people into homely settings suited to their individual needs

- We will reduce reliance on out of authority placements where needs could be met in Shetland, and off island provision will only be required where specialist input, such as secure care, is required



## Scope for this Scheme

On the basis of this analysis, the potential scope for the scheme is as follows:

- Expanding residential care services for looked after and accommodated children in Shetland, to reduce reliance on out of authority placements

A separate linked project is being undertaken to consider options for:

- Family support services provision as part of a whole systems approach focussing on prevention, early intervention and tackling inequalities

## 1.3 Economic case

### 1.3.1 The long list

A long list of 13 options was developed at the strategic outline case stage within the potential scope of reconfiguring residential care services for looked after children. These options were further refined during the development of this full business case. The long list of options is set out in detail at Section 3.3. (note that respite and short breaks for children with complex additional support needs is not in scope for this project).

### 1.3.2 The short list

The following shortlisted options have been explored in detail through the building better business cases methodology.

- **Option 1 – Status quo,**
- **Option 2 – Refurbish/modernise existing facilities and seek to create additional capacity within existing buildings**
- **Option 3 – New Build residential care facility for looked after children and young people, including learning room and bedsit, consolidating current single placement services into a larger facility making best use of staffing.**
- **Option 7 – New build residential childcare facility for looked after children and young people, including learning room and up to six beds incorporating self-contained flats to support young people to develop independent living skills and prepare for leaving care.**

All options that would see ongoing delivery local services outsourced are considered to be high risk as there are no local suppliers and therefore a risk of market failure; there are also issues of continuity and management overheads/costs.

### **1.3.3 The preferred way forward**

On the basis of the above analysis, the preferred and recommended way forward is **Option 3 – a new build residential care facility for looked after children and young people incorporating bedsit and learning room.**

This would provide modern accommodation, supporting us to achieve our aim of providing settled, secure, and permanent places to live for looked after children quickly, and with minimum disruption in their lives. Within this, the Council has additional options regarding the procurement of a new build.

The main benefits to stakeholders, customers/ users are as follows:

- Ability to meet the increase in needs anticipated in the short and medium term including the new statutory duties from the Children and Young People (Scotland) Act 2014.
- The accommodation would be flexible and responsive to peaks in demand whilst maintaining permanent and stable accommodation as the norm for those young people requiring longer term care and support
- There will be a presumption against residential placements outwith Shetland unless specialist services which are not available on island are required e.g. for complex medical needs, secure care.
- Service provision would be retained in house ensuring continuity of service with existing residential childcare provision and reducing the risk of market failure

The organisation's commissioners/ stakeholders have expressed their support as follows:

- Multi-agency stakeholder event – June 2016
- Children's Services Management – June 2016
- Education and Families Committee – January 2017
- Education and Families Committee – June 2018
- Educations & Families, Policy & Resources, SIC – December 2018

## **1.4 Commercial case**

The Council has the option of designing and building a new residential service itself, or commissioning an external organisation to design and build the property on the Council's behalf. Both options have been considered, and the preferred way forward is to commission Hjalmland Housing Association (HHA) to 'design and build' the property.

### **1.4.1 Procurement strategy**

The scheme will be procured, in accordance with the Government Procurement Agreement (WTO) and the EU Consolidated Public Sector Procurement Directive (2004).

### **1.4.2 Required services**

The HHA Design and Build option is essentially a land transaction, where the Council purchase a turnkey facility from HHA on completion.

Should the Council decide to build the facility elsewhere, procurement of three elements would be required.

- Design services
- Demolition services
- Construction contract

### **1.4.3 Potential for risk transfer and potential payment mechanisms**

There are no unusual risks to consider, and if preferred procurement route is approved and HHA are commissioned to design and build, a significant proportion of risk would be transferred to them during the construction of the building. This will be developed further and tied down contractually within the deal.

## **1.5 Financial case**

### **1.5.1 Overall affordability and balance sheet implications**

The proposed capital cost of the project is up to £906k over the 2 year construction period, depending on which of the preferred options as detailed in paragraph 5.3 is progressed. The approved Asset Investment Plan 2018-2023 includes a potential project budget for Children's Supported Accommodation New Build of £670k for this project subject to approval of the Full Business Case,



however revised plans indicate a higher budget of up to £931k will be required, depending on which of the preferred options is approved.

Table 2. Financial Case

The financial implications of the preferred options, as detailed in paragraph 5.3, are summarised below.

	Hjaltland Housing Association Option				Shetland Islands Council Option			
				Ongoing per year from				Ongoing per year from
	2018/19 £000	2019/20 £000	2020/21 £000	2021/22 £000	2018/19 £000	2019/20 £000	2020/21 £000	2021/22 £000
Capital Expenditure	-	435.0	435.0	-	-	453.0	453.0	-
Net Revenue Cost	1,020.0	895.0	895.0	632.0	1,020.0	895.0	895.0	632.0
<b>Total Expenditure</b>	<b>1,020.0</b>	<b>1,330.0</b>	<b>1,330.0</b>	<b>632.0</b>	<b>1,020.0</b>	<b>1,348.0</b>	<b>1,348.0</b>	<b>632.0</b>
<b>Funded by:</b>								
Spend to Save	-	435.0	435.0	-	-	453.0	453.0	-
<b>Total Funding</b>	<b>-</b>	<b>435.0</b>	<b>435.0</b>	<b>-</b>	<b>-</b>	<b>453.0</b>	<b>453.0</b>	<b>-</b>
<b>Overall Net Total</b>	<b>1,020.0</b>	<b>895.0</b>	<b>895.0</b>	<b>632.0</b>	<b>1,020.0</b>	<b>895.0</b>	<b>895.0</b>	<b>632.0</b>
<b>Reduction in revenue running costs per annum</b>				<b>263.0</b>				<b>263.0</b>
<b>Number of years to achieve spend to save</b>				<b>3.3</b>				<b>3.4</b>

The reduction in ongoing revenue costs which could be realised from the implementation of this project, indicates that it would meet the criteria for 'Spend to Save' funding. However, depending on the progress of other projects in the Asset Investment Plan, it may be advantageous to fund from other means e.g. General Capital Grant.

Once the capital project is complete, the impact on the Income and Expenditure Account will be a reduction in revenue costs for Children's Services of £263k per annum.

There will be an increase in the value of Long Term Assets on the Balance Sheet of up to £906k.

## 1.6 Management case

### 1.6.1 Project management arrangements

The scheme is an integral part of the Children's Services Directorate Plan 2017-2020 which comprises a portfolio of projects for the delivery of a whole systems approach to prevention, early intervention and tackling inequalities in through children's social work and social care services.

The preferred route is to commission Hjalmland Housing Association to design and build the new property, which reduces the responsibility of the Council for project management during the construction phase of the project.

### **1.6.2 Gateway reviews arrangements**

A Gate 0 (strategic fit) has been undertaken on the programme in that the scheme sits within the Children's Services Directorate Plan, which has been approved by the Council.

A Gate 1 (business justification) has been approved following consideration of the SOC.

A Gate 3 (Full Business Case) is now being presented for approval.

### **1.7 Recommendation**

The preferred way forward, as outlined at 1.3.3 above, is option 3 – a new build residential care facility for looked after children and young people, including learning room and bedsit, consolidating current single placement services into a larger facility.

The recommended site for the new build is in Tingwall, with Hjalmland Housing Association commissioned to design and build the scheme, and the Council taking ownership once the building is completed.

## 2. The Strategic Case

### 2.1 Introduction

This Full business Case (FBC) is for investment of up to £906k on a new build residential childcare service to meet the needs of looked after children.

The aim is to ensure a sustainable model for the provision of services in Shetland for looked after children who require residential childcare. The aim is to increase residential childcare capacity in Shetland, ensuring high quality provision that is delivered in a cost effective manner, reducing unit costs and reducing reliance on out of authority placements.

The full business case has been prepared using the agreed standards and format for business cases, which is a Five Case Model comprising the following key elements:

- The **strategic case** section. This sets out the strategic context and the case for change, together with supporting investment objectives.
- The **economic case** section. This demonstrates that the organisation has selected a preferred way forward, which best meets the existing and future needs of the service and is likely to optimise value for money (VFM)
- The **commercial case** section. This outlines what any potential deal might look like.
- The **financial case** section. This highlights the likely funding and affordability issues and the potential balance sheet treatment of the scheme.
- The **management case** section. This demonstrates that the scheme is achievable and can be successfully delivered in accordance with accepted best practice.

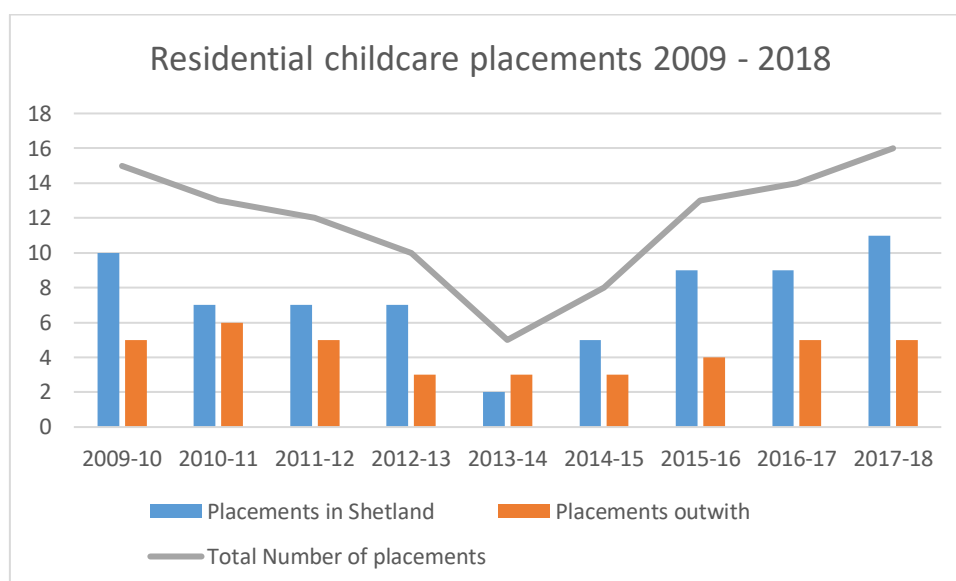
### Part A: The strategic context

#### 2.2 Organisational overview

Under the Children (Scotland) Act 1995, the Council has responsibility for the provision of services to 'looked after children.' A child or young person may be looked after at home, or away from home in a kinship care, foster care, or residential childcare setting, and it is the responsibility of the Social Work service to determine which placement will best meet the needs of each 'Looked After Child' (LAC) or young person.

The Council currently has capacity to provide eight residential childcare placements in Shetland, and additional placements are commissioned on mainland Scotland through the Scotland Excel framework for Residential Childcare.

Shetland's numbers of looked after and accommodated children has remained fairly consistent over the last ten years.



*The above graph shows the total number of residential childcare placements provided from 2009-10 until 2017-18, including short term/emergency care. The graph includes a breakdown of placements within, and outwith Shetland.*

The numbers of young people accommodated in residential care has increased since 2013-14, and we anticipate that this increase in demand will continue in the short to medium term following the implementation of the Children and Young People (Scotland) Act 2014, in particular the Continuing Care duty, which gives young people the right to remain in their care placement until the age of 21.

The numbers of secure placements commissioned by the Council are included in the figures above, so the table below is included to show the actual number of secure placements commissioned each year:

Table 3. Number of Secure Placements commissioned by Shetland Islands Council

Year	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
No. Secure Placements	0	0	1	1	1	0	1	0	0	0	0	1

The need for secure care is infrequent. There are only four providers of secure care in Scotland, and it may therefore be necessary to commission placements outwith Shetland where a young person requires this type of specialist support. However, increasing quality residential childcare capacity locally, may mitigate against the need for secure care in the future.

In the longer term, our work in relation to prevention, early intervention and tackling inequalities will focus on working with families so that the number of children and

young people in the care system is reduced. In the meantime, however, existing residential care provision will be insufficient to meet the level of need anticipated.

## 2.3 Business strategies

The Children's Resources Service plan highlights a lack of capacity in the current residential childcare provision in Shetland, which was a finding of the Joint Inspection of Children's Services carried out by the Care Inspectorate in 2015.

The Children and Young People (Scotland) Act 2014 introduced the concept of 'Continuing Care' into legislation, giving young people a statutory right to remain in their placement until the age of 21. This has been viewed as good practice nationally, and locally, for a number of years, but puts increased pressure on the small number of placements we have available locally. The act also places a duty on local authorities to provide Aftercare services for young people leaving care, until their 26<sup>th</sup> birthday.

This project links to the following corporate priorities:

Children and young people in need of care and support from the Council is a priority theme in the Council's Corporate Plan, "**Our Plan 2016-2020**".

Support and protection for vulnerable people of all ages are priorities in the **Shetland Partnership Plan**. The Shetland Partnership Plan has a key focus on prevention, early intervention and tackling inequalities.

Shetland's **Strategic Housing Investment Plan** (SHIP) identifies the need for more affordable/social housing and this is a priority in Our Plan 2016-2020 and in the LOIP.

A target outcome from the **Children's Services Directorate Plan** is that:  
*"We have improved the life chances for children, young people and families at risk".*

The target outcomes of the **Children's Resources Service** are to strengthen families and improve capacity within families to care for children and young people and where this is not possible, as corporate parent, to provide high quality nurturing out of family care and support.

## 2.4. Other organisational strategies

There are a number of linked projects and strategies, which address the need to develop and strengthen preventative services and other options for looked after children, including:

- Emotional Wellbeing and Resilience 'Spend to Save' project
- Anchor Early Action and Systems Change Project
- Foster Care Recruitment Strategy

Strengthening our approach to early intervention will support our overall aim to reduce the need for young people to be accommodated away from home.

## Part B: The case for change

The current residential childcare provision is delivered from:

- Three bed service in Lerwick
- Three bed service in Dunrossness
- Two single placement services in Lerwick (one young person supported in each)

The table below shows the actual spend for the provision of local residential childcare services over the past 10 years:

Table 4. Actual Spend on Residential Childcare (provided by SIC)

Employee Costs	2009/'10	2010/'11	2011/'12	2012/'13	2013/'14	2014/'15	2015/'16	2016/'17	2017/'18	2018/'19	Total
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
Employee Costs	641	766	895	921	789	763	785	1008	1097	1321	8,986
Operating Costs	166	180	133	153	101	141	212	353	231	228	1,898
<b>Total</b>	<b>807</b>	<b>946</b>	<b>1,028</b>	<b>1,074</b>	<b>890</b>	<b>904</b>	<b>997</b>	<b>1,361</b>	<b>1,328</b>	<b>1,549</b>	<b>10,884</b>

Since 2007, the Council has consistently used out of authority placements to meet the need for residential childcare, including spend on specialist services such as secure care. The annual spend is summarised in the table below.

Table 5. Spend on out of authority placements 2007-2018

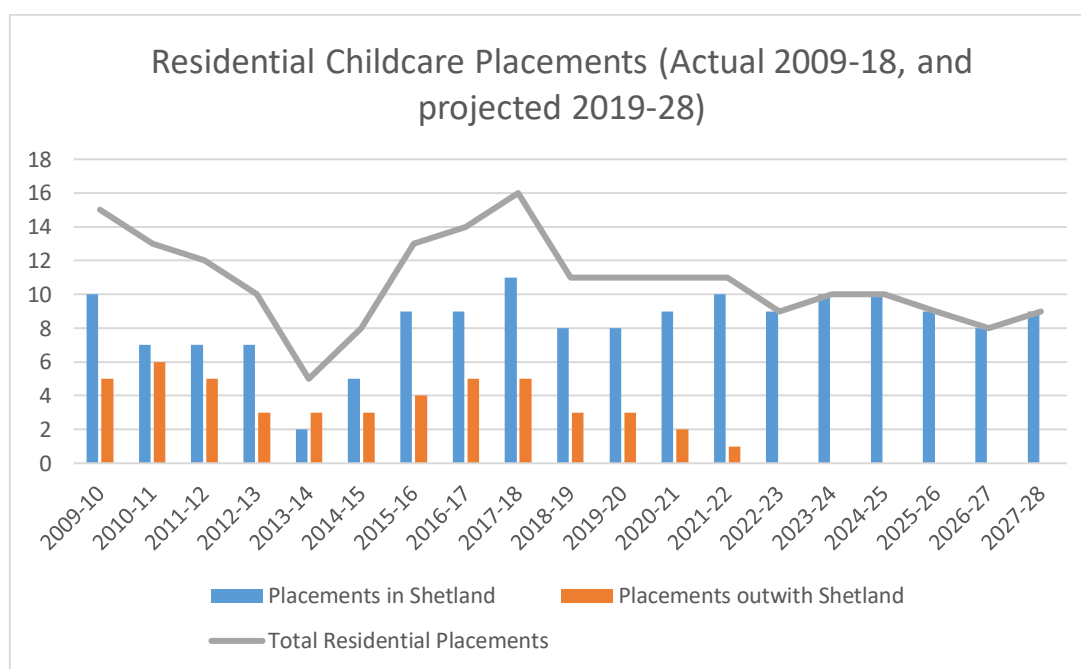
Year	Total Spend on Out of Authority Placements £'000	Comments
2007-08	306	
2008-09	449	
2009-10	817	Includes: Travel £31k
2010-11	956	Includes: Travel £23k
2011-12	510	Includes: Travel £12k
2012-13	481	Includes: Travel £22k
2013-14	486	Includes: Travel £26k
2014-15	550	Includes: Travel £21k

2015-16	506	Includes: Travel £24k
2016-17	520	Includes: Travel £23k
2017-18	775	Includes Travel £32k

The above does not account for the cost of staff time travelling to the mainland to support these young people, as Social Workers and Reviewing Officers must visit to conduct regular reviews of the care and support provided. From 01 April – 31 August 2018, including time spend travelling, this equated to 26 working days.

The graph below shows the number of residential childcare placements over the last 10 years, and gives a prediction of the number of placements required over the coming 10 years. These projections are built on a number of assumptions, including:

- By 2022, we will have additional residential childcare capacity in Shetland to meet need, reducing our use of out of authority placements to zero by 2022.
- Early intervention and prevention will be well established by 2023-24, which will counteract an anticipated increase in demand for residential childcare placements



On the basis of this analysis, the potential scope for the scheme is as follows:

- To increase capacity in Shetland to provide residential childcare
- To consolidate our existing single placements services into a larger service, reducing the unit cost of current provision
- By operating from three units, we will have greater flexibility in our on-island residential childcare services to match young people into homely settings suited to their individual needs

- We will reduce reliance on out of authority placements where needs could be met in Shetland, and off island provision will only be required where specialist input, such as secure care, is required

## **2.5 Investment objectives**

The investment objectives for this project are as follows:

- IO1 – We will reduce the number of buildings we currently occupy by consolidating single placement services into one larger service by 2021
- IO2 – We will reduce the unit cost of delivering residential childcare placements in Shetland
- IO3 – By increasing capacity of in local residential childcare, the service will have greater flexibility to meet the needs of young people in Shetland
- IO4 – The new service will be provided from a modern, energy efficient building, which supports the Council in reducing its carbon emissions
- IO5 – Reconfiguring residential childcare will future proof the service for change in demand/need

## **2.6 Existing arrangements**

This section describes the existing situation with regard to the investment – the status quo. The existing arrangements are as follows:

Shetland currently has provision for up to eight residential childcare placements across four buildings, including two buildings providing single placements for young people.

The authority also commissions places on the Scottish mainland through the Scotland Excel framework for residential childcare on an ad hoc basis. There are currently two young people in such placements on the Scottish mainland. The Council also commissions specialist provision for young people such as secure care, where necessary, on the Scottish mainland.

## **2.7 Business needs**

The Council has insufficient residential childcare capacity to meet the needs of young people who require this provision. The Council has therefore been reliant on commissioning out of authority placements to meet need, with spend consistently above £480k per annum over the last 10 years (see table 5).

As outlined above, it is necessary to increase the number of placements available locally, in order to reduce reliance on placements commissioned outwith Shetland which tend to be expensive. There is also an opportunity to reduce the unit cost of providing residential childcare in Shetland by consolidating smaller, single placement services into one larger 4 or 5 bed facility that would provide sufficient capacity to meet current demand for placements within Shetland. This makes best use of our



current staffing and will result in an overall reduction in revenue spend on residential childcare.

It is important to note that the Council may still be reliant on out of authority placements for specialist services, such as secure care, or specialist medical care (in conjunction with NHS).

## **2.8 Potential business scope and key service requirements**

This section describes the potential business scope and key service requirements for the project in relation to the above business needs.

The scope for this project is to address the shortage of residential childcare placements for Looked After Children (LAC) who require this provision, as assessed by Social Work. Some looked after children and young people may also be placed in foster care, however those other types of provision are not within the scope of this project.

The Council also provides residential childcare for children and young people who have complex additional support needs (e.g. learning and physical disabilities or autism). The legislative context for the provision of these services is different, and as such is not within the scope of this project.

Key service requirements:

The project needs to ensure:

- We have capacity to meet the needs of young people now and into the future
- Residential childcare services need to be within a reasonable distance of Lerwick
- Residential childcare services need space to allow young people to develop their independent living skills (e.g. a bedsit to allow more autonomy from care staff for those in 'Continuing Care' placements)

Various options within this scope are considered within the economic case.

### Minimum scope

Provide additional residential childcare capacity in Shetland

### Intermediate Scope

Provide an additional residential children's home, which incorporates a learning room for young people who cannot attend mainstream education, and a bedsit to support young people prepare for independent living

### Maximum Scope

A large residential children's home service, also incorporating supported accommodation flats to support young people leaving care.

## **2.9 Main benefits criteria**

This section describes the main outcomes and benefits associated with the implementation of the potential scope in relation to business needs.

The main benefits of placing children locally include that they maintain some continuity in their lives. This would enable them to continue attending the same school, and to maintain contact with their wider support network of family, friends, clubs etc.

Local placements would also ensure better use of social worker time and reduce spend on travel.

## 2.10 Main risks

The main business and service risks associated with the potential scope for this project are shown below, together with their counter measures.

Table 6: Risks and Counter Measures

Main Risk	Counter Measures
Design	The project team have considered best practice models in other parts of Scotland to inform the design of a new residential children's home, and will work with architects to ensure this is incorporated into the design.
Development <ul style="list-style-type: none"> <li>• supplier</li> <li>• specification</li> <li>• timescale</li> </ul>	A specification and draft plans for the project have been developed. Depending on the procurement route, these will be agreed contractually. The Council will ensure sufficient knowledge, skills and capacity to deliver the project requirements.
Operational risks <ul style="list-style-type: none"> <li>• supplier</li> <li>• availability</li> <li>• performance</li> <li>• operating cost</li> <li>• project management</li> </ul>	<p>The Council has adopted the PRINCE2 project management methodology, which will be utilised to run the components of the project overseen by the Council.</p> <p>Once completed, the unit cost of providing residential childcare should reduce. However, there is a risk that we may require specialist placements (e.g. secure) which are not covered in this scheme. These costs would need to be met using contingency funds.</p> <p>The Directorate is underway with projects to strengthen our approaches to early action and preventative work, which should mitigate against these risks in the longer term, as should providing high quality residential childcare locally.</p>

## **2.11 Constraints**

The project is subject to the following constraints:

The project must be completed as soon as possible to ensure the Council has sufficient resources on island to prevent the continued use of out of authority placements. This project will also support the Children's Services Directorate in meeting budget targets, as it is anticipated that there will be an overall reduction in spend on residential childcare by reducing reliance on off island services.

We need to ensure the Council has sufficient resources internally to design and build the project

## **2.12 Dependencies**

The project is subject to the following dependencies that will be carefully monitored and managed throughout the lifespan of the scheme.

- Decommissioning of single placement services in Lerwick, releasing these staff to work in the new service, resulting in more efficient operation.
- Staffing is a risk, and we need to ensure that we have sufficient numbers of trained staff. The Scottish Social Services Council has indicated that the qualification requirement for residential care staff may change, and we must also factor this in to workforce planning.
- The Scottish Government is underway with a review of the care system, and we must therefore be cognisant of any learning from the review as it progresses.

### 3. The Economic Case

#### 3.1 Introduction

In accordance with the Capital Investment Manual and requirements of HM Treasury's Green Book (A Guide to Investment Appraisal in the Public Sector), this section of the FBC documents the wide range of options that have been considered in response to the potential scope identified within the strategic case.

#### 3.2 Critical Success Factors (CSFs)

The key CSFs for the project were initially developed following a stakeholder workshop held in June 2016, and were subsequently reviewed by the project team who developed the strategic outline case in September 2018, and reviewed again in the development of this full business case.

- **CSF1** - The Council is able to accommodate increase in demand for residential care services arising from legislative change, ensuring we provide sufficient residential childcare capacity in Shetland for all young people who require this provision now, and in the future
- **CSF2** - The project will reduce the overall revenue spend on the provision of residential childcare services, by reducing our reliance on expensive out of authority placements (excluding specialist provision e.g. secure care, which is required infrequently and will continue to be commissioned when required)
- **CSF3** - Must be aligned with the Council's objectives as set out in Our Plan, in particular:
  - "We will have prioritised spending on building and maintaining assets and be clear on the whole-of life costs of those activities, to make sure funding is being targeted in the best way to help achieve the outcomes set out in this plan and the community plan"; and,
  - "More money will be going towards 'spend to save' initiatives, providing resources to fund innovative ways of working that save money but help us achieve our desired outcomes".
- **CSF4** - The project supports the Council in delivering its Corporate Parenting aspirations by providing a modern homely environment to meet the needs of our young people

These CSFs have been used alongside the investment objectives for the project to evaluate the long list of possible options.

#### 3.3 The long-listed options

The long list of options was generated by the workshop and project team in accordance with best practice contained in the Capital Investment Manual.

Table 7. Long List of Options

	<b>Long List Option</b>	<b>Reason not to Progress</b>
<b>Option 1</b>	<p><b>Do nothing</b></p> <p>The Council retains and operates all the existing properties used for residential childcare in Shetland and purchases additional places outwith Shetland as required to meet increasing numbers, and to meet specialist requirements e.g. secure accommodation.</p> <p>Building maintenance would be the minimum required to meet standards required for residential care.</p>	<p>The do nothing option is required to be considered further by the Building Better Business Cases methodology adopted by the Council.</p> <p>This option would mean continuing the current arrangement of commissioning additional residential childcare places on the Scottish mainland which is not the best value option for the Council.</p> <p><b>SHORTLISTED</b></p>
<b>Option 2</b>	<p><b>Modernise/Refurbish all current facilities</b></p> <p>As Option 1 however, all facilities would be improved through a comprehensive programme of refurbishment, adaptation and expansion where possible to create additional places.</p>	<p>This would result in disruption to existing services, and there are limitations in what could be achieved within the existing buildings, so cannot provide sufficient capacity to meet demand.</p> <p><b>SHORTLISTED</b></p>
<b>Option 3</b>	<p><b>New Build residential care facility for looked after children and young people</b></p> <p>Build a new facility to increase capacity meet the placement needs of children at risk of harm/neglect. The two existing 3 bed services in Lerwick and Dunrossness will also continue to be operated by the Council. Single placement services will be decommissioned.</p>	<p>Some off island places may be needed where specialist (e.g. secure) care is required, which cannot not provided locally.</p> <p><b>SHORTLISTED</b></p>
<b>Option 4</b>	<p><b>New Build residential care facility for children and young people operated by the independent sector</b></p> <p>As Option 3 however, the new service would be outsourced.</p>	<p>High employment in the local labour market mean an outsourced service would need to be competitive with the Council's existing services in order to attract staff, and it</p>

	All other local services would continue to be operated by the Council.	is unlikely this option would be cost effective.  DISCOUNTED
<b>Option 5</b>	<p><b>New Build residential care facility for children and young people and general needs housing allocations for longer term/permanent placements</b></p> <p>Build a new facility to meet the placement needs of looked after children requiring short term or emergency care.</p> <p>Develop a housing allocations programme to use existing and new housing stock as required to meet the need for longer term and potentially permanent accommodation options for vulnerable children and young people. Retain and refurbish other children's residential care provision locally where this can fit with the new model and dispose of other properties.</p> <p>All local services continue to be operated by the Council.</p>	<p>Not dissimilar to the current model although there would be no dedicated housing provision for looked after children as such.</p> <p>This option would be challenging for housing allocations systems in terms of the priority that would be needed for this client group.</p> <p>The short term care aspect of this proposal is not in keeping with Continuing Care statutory guidance, and best practice guidance in securing permanency and minimising placement moves for young people.</p> <p>DISCOUNTED</p>
<b>Option 6</b>	<p><b>New Build Short Stay residential care facility for children and young people and general needs housing allocations for longer term/permanent placements. Support/care services provided by the independent sector</b></p> <p>As Option 5 however, the care and support services in the new service model would be outsourced.</p> <p>All local services for children and young people with disabilities would continue to be operated by the Council.</p>	<p>As for option 5, plus risk of market failure/potential high cost for outsourcing.</p> <p>Staffing issues including TUPE.</p> <p>DISCOUNTED</p>
<b>Option 7</b>	<b>New build residential children's home which incorporates self-contained flats to enable young</b>	The inclusion of self-contained flats would work well for those progressing to independence

	<p><b>people to have a graduated transition out of care and develop independent living skills before moving on to their own accommodation</b></p> <p>This option would provide additional long term residential childcare capacity and two more independent self-contained flats within the building footprint, to allow young people to experience greater independence as they prepare to leave care.</p>	<p>from the service, but this would perhaps be underutilised at times and there would be a degree of inflexibility with this design.</p> <p>SHORTLISTED</p>
<b>Option 8</b>	<p><b>Refurbish an existing building provide a residential school for looked after and accommodated children in Shetland</b></p> <p>Refurbish an existing building (e.g. Quarff School and school house or Janet Courtney Hostel) to provide a residential care and education facility for looked after children.</p> <p>All other local services would continue to be operated by the Council.</p>	<p>The Council is committed to inclusive mainstream education locally, so the numbers of young people who require this sort of provision are low, and consequently such a service may be underutilised leading to unsustainable operating costs.</p> <p>DISCOUNTED</p>
<b>Option 9</b>	<p><b>New Build residential school for looked after and accommodated children</b></p> <p>Design and build a new residential school facility to provide residential care and education for looked after and accommodated children and young people.</p> <p>All other local services would continue to be operated by the Council.</p>	<p>The numbers of young people who require this sort of provision are low, and consequently such a service may be underutilised leading to increased operating costs</p> <p>DISCOUNTED</p>
<b>Option 10</b>	<p><b>New build residential school facilities for looked after and accommodated children and young people run by the independent sector.</b></p>	<p>As for option 9, plus risk of market failure</p> <p>DISCOUNTED</p>

	<p>As option 8, but the running of the facility would be outsourced to a</p> <p>All other services would continue to be operated by the Council.</p>	
<b>Option 11</b>	<p><b>New build residential care service, plus refurbish an existing building to provide a residential school for those who required specialist education</b></p> <p>A combination of options 3 and 9.</p> <p>New build residential care service plus refurbish an existing building to provide residential school for children and young people who require specialist care education.</p>	<p>Risk of under use due to low numbers of young people requiring residential school. Does not reduce the number of buildings, and may be challenging to staff.</p> <p>DISCOUNTED</p>
<b>Option 12</b>	<p><b>Close all current facilities and outsource all children's residential care</b></p> <p>Dispose of all properties currently in use. Undertake a market facilitation exercise.</p> <p>Invite tenders for the provision of new, modern facilities and services to meet the projected needs of looked after children in the longer term.</p>	<p>Radical change to Shetland's approach to service needs.</p> <p>Currently there are no independent sector providers of residential care for children in Shetland.</p> <p>Risks would include market failure, high costs and workforce issues including TUPE.</p> <p>DISCOUNTED</p>
<b>Option 13</b>	<p><b>Develop specialist residential care services for children locally including options for secure accommodation</b></p> <p>This option could be considered alongside and in addition to any of the 12 long list options.</p>	<p>The numbers of individuals requiring this sort of care are so small that it has not viable in terms of recruiting and retaining suitably qualified staff, or cost effective due to potential down time and diseconomies of scale.</p> <p>DISCOUNTED</p>

The evaluation was undertaken in accordance with how well each option met the investment objectives and CSFs.



## **3.4 Analysis of Shortlisted Options**

### **3.4.1 Introduction**

In accordance with the Treasury Green Book and Capital Investment Manual, the status quo has been considered as a benchmark for potential VFM.

An infinite number of options and permutations are possible; however, within the broad scope outlined in the strategic case the following options have been shortlisted for detailed consideration:

- Option 1 – status quo. The Council continues to operate its existing services, and use external providers to provide additional services on an ad hoc basis.
- Option 2 – Some improvements. Existing buildings are refurbished and modernised, and we seek to create additional capacity within the footprint of existing buildings.
- Option 3 – Intermediate improvement. New build residential children's home, providing 4 or 5 additional beds, incorporating a bedsit to support young people developing independent living skills within the residential setting as they prepare for adulthood.
- Option 7 – Maximum improvement. New build residential children's home, providing six additional beds, also incorporating self-contained flats for young people preparing for independent living.

#### **Option 1: status quo**

##### **Description:**

This option maintains the status quo, which means we continue to provide some residential childcare placements in Shetland, and commission any additional placements on the Scottish mainland using via the Scotland Excel framework for Residential Childcare. This option is required by the Building Better Business cases framework, and determines value for money (VFM)

##### **Advantages:**

This option describes the current situation, so there are no additional benefits which arise from this option.

##### **Disadvantages:**

This option does not support the investment objectives and critical success factors for the project. The cost of operating the current model could be reduced if the Council consolidated single placement services in one larger service. The consistent use of out of authority placements over the last 10 years are higher than providing residential childcare 'in house.'

## **Option 2: do minimum – marginal improvements.**

### **Description:**

This option suggests refurbishing existing buildings and seeking to create additional capacity by extending our current residential children's homes

### **Advantages:**

This would result in improvements to the environment within our existing buildings, and may create some additional capacity within the constraints of the existing footprint.

### **Disadvantages:**

There is limited work that could be done to create additional capacity, and any proposal would have to be approved by the Care Inspectorate, as all services are registered with them and must comply with their standards. It is unlikely that extending current buildings would provide sufficient capacity to meet demand, and it would therefore be necessary to continue using smaller services. This option does not make best use of our staffing resources, nor does it effectively address the high unit costs of single placements.

## **Option 3: intermediate scope for improvements**

### **Description**

This option proposes a purpose built facility increasing residential capacity, and disposing of single placement services by consolidating them into one larger service which makes more efficient use of staffing. The design of the new build would include a bedsit to allow young people who are preparing to leave care, to begin developing their independent living skills within the residential setting before moving on.

Within this option, there are further choices to consider regarding the procurement of a new build. The Council could design and build the facility itself, or it could be outsourced. Hjaltsland Housing Association have offered to design and build a residential childcare facility on their new development in Tingwall.

### **Site Comparison**

<b>Factor</b>	<b>Tingwall</b>	<b>Lerwick (EGRC Site)</b>
Access	Central location. Good public transport links and within travelling distance of various schools allowing young people to continue attending the same school	Central location, with good access to various community assets.

Privacy	The site is generous, and part of a new housing development with private garden area	Busy central location surrounded by other care services and housing.
Quality of physical environment (outdoor)	Good outdoor space. Large private garden.	Limited private outdoor space due to limitations of the site.
Transport	Good public transport links, and short distance from Lerwick by car	Situated in Lerwick – good transport links to other parts of Shetland
Emergency service response time	Good – short distance from Lerwick	Good – situated in Lerwick
<b>Preference:</b>	<b>Preferred option</b>	<b>Second choice</b>

### Advantages

This option would reduce the unit cost of residential childcare, and would provide additional capacity in Shetland, reducing reliance on out of authority placements. The inclusion of a bedsit environment is in line with the Continuing Care duty. This option meets all the Critical Success Factors and Investment Objectives, as set out in table 9.

The advantage of commissioning Hjaltsland Housing Association to design and build the property is that risk would be transferred to Hjaltsland for the construction phase. The property would be situated on an existing development, and as contractors are already on site, the overall cost of the scheme is reduced, but a decision is required by March 2019 if the Council wishes to proceed with this option.

### Disadvantages

Both sites have significant strengths. The site in Lerwick is well connected to various community assets and well serviced by other services. The Tingwall site is also well connected and only a short distance from Lerwick, with the added benefit of being out of town which gives an opportunity for more anonymity and a better natural environment. The Tingwall site is close to all that Lerwick offers, and also allows a boundary between Lerwick and the residential setting for young people who may require this. A smaller community may also be more inclusive for young people supported by the service.

## Option 7: maximum scope for improvements

### Description

This option provides increased residential childcare capacity and the scheme would include self-contained flats within the overall building footprint, allowing young people who are preparing to leave care to begin developing their skills and preparing for adulthood before moving on.

### Advantages

This option provides additional residential childcare capacity, and also provides supported accommodation for young people transitioning out of care in keeping with the Continuing Care duty.

#### Disadvantages

The provision of self-contained flats within the accommodation would reduce the flexibility of the space, and may lead to it being underutilised. The size of such a building would be much larger than a domestic house, and may therefore be institutional in appearance which does not meet the critical success factor for a homely setting. There may be challenges in staffing larger service like this, and there may also be difficulties in matching young people who could live together in such a scheme. A building of this size would need to be carefully designed to ensure it retains a homely feel, and does not feel like an institutional environment.

### 3.4.2 Funding Options

The project will be publically funded.

### 3.5 Overall conclusion: Shortlisted options

The table below summarises the assessment of each option against the investment objectives and CSFs.

On the basis of the above analysis, option 3 is the preferred option.

Table 8: Summary Assessment of Shortlisted Options

Shortlisted option:	Option 1	Option 2	Option 3	Option 7
<b>Investment objectives</b>				
IO1	X	X	✓	✓
IO2	X	X	✓	X
IO3	X	✓	✓	X
IO4	X	X	✓	✓
IO5	X	X	✓	✓
<b>Critical success factors</b>				
CSF1	X	✓	✓	✓
CSF2	X	X	✓	X
CSF3	X	X	✓	✓
CSF4	✓	✓	✓	X
<b>Summary</b>	<b>(Discounted)</b>	<b>(Discounted)</b>	<b>Preferred</b>	<b>Possible</b>

## **4. The Commercial Case**

### **4.1 Introduction**

This section of the Full Business Case outlines the proposed deal in relation to the preferred option, as outlined in the economic case.

The Council has the option to procure this from Hjaltsland Housing Association, as part of an ongoing development. If this option is not pursued, the Council will need to identify its own site and the project timeline will need to factor in additional time for this. This Full Business Case assesses the cost, programme and resource implications of choosing to procure independently of HHA. For the purposes of making a comparison with the HHA option, the site of the old Eric Gray centre has been used, although it is recognised that the Council has yet to make a decision on how that site will be used in the future. It has been used in this exercise as it is of appropriate size and could be available within a timescale that would not delay construction.

### **4.2 Required services**

This is a relatively straightforward domestic scale building project, and the services required are readily available locally. Should the Council decide to procure this facility independently of HHA, but to a similar programme, current workload would dictate that architectural services would need to be procured externally.

The option to procure through HHA is essentially a Design and Build contract. HHA would appoint professional services as required.

### **4.3 Potential for risk transfer**

The scale and nature of this project are such that there are no unusually high levels of associated risk, however there is always the possibility of delays and costs due to unforeseen circumstances and the possibility that returned tenders may be over budget.

By procuring the building through HHA these risks are largely removed as the contract price between the Council and HHA would be capped, as long as the Council do not change the scope or specification post contract. This represents a significant risk transfer to HHA.

### **4.4 Programme and proposed contract lengths**

Irrespective of the chosen procurement route, the duration of the construction contract is not expected to differ and is estimated at 12 months.

The overall project programme would be affected, depending on the procurement route though. The table below highlights how procurement through HHA would compare with conventional procurement directly by the Council.

Table 9: Estimated project timeline

Activity	Date achievable	
	HHA	SIC
Appoint designer	Already in place	29 March 2019
Demolition consent	Not required	19 April 2019
Appoint demolition contractor	Not required	31 May 2019
Design complete	1 July 2019	1 August 2019
Demolition	Not required	30 August 2019
Construction consents	27 September 2019	30 October 2019
Appoint contractor	27 September 2019	30 October 2019
Building complete	2 October 2020	6 November 2020

The dates set out for the Council option above are dependent on using the old Eric Gray Centre site, or another suitable site already in Council ownership. Land acquisition would delay the project significantly.

It should be noted that HHA require a Council decision by March 2019 if the project is to be procured in that way.

#### 4.5 Procurement strategy

As described above, the procurement strategy will be dictated by the chosen site.

The HHA Design and Build option is essentially a land transaction, where the Council purchase a turnkey facility from HHA on completion.

Should the Council decide to build the facility elsewhere, procurement of three elements would be required.

- Design services
- Demolition services
- Construction contract

It is possible that Demolition services could form part of the construction contract, however that would most likely delay completion as the construction contract would have a longer duration.

Each element would be awarded based on the Most Economically Advantageous Tender submission. The construction contract would be informed by a completed design.

#### 4.6 FRS 5 accountancy treatment

The preferred option detailed above would result in the completed asset being held on the Council's Balance Sheet as a non-current asset under International Accounting Standard (IAS) 16 – Property, Plant & Equipment and International Public Sector Accounting Standards Board (IPSAS) 17 – Property, Plant & Equipment.

## 5.0 The Financial Case

### 5.1 Introduction

The proposed capital cost of the project is up to £906k over the 2 year construction period, depending on which of the preferred options as detailed in paragraph 5.3 is progressed. The approved Asset Investment Plan 2018-2023 includes a potential project budget for Children's Supported Accommodation New Build of £670k for this project subject to approval of the Full Business Case, however revised plans indicate a higher budget of up to £906k will be required, depending on which of the preferred options is approved.

The financial implications of the preferred options are as follows:

Table 10. Financial Case

	Hjaltland Housing Association Option				Shetland Islands Council Option			
				Ongoing per year from				Ongoing per year from
	2018/19 £000	2019/20 £000	2020/21 £000	2021/22 £000	2018/19 £000	2019/20 £000	2020/21 £000	2021/22 £000
Capital Expenditure	-	435.0	435.0	-	-	453.0	453.0	-
Net Revenue Cost	1,020.0	895.0	895.0	632.0	1,020.0	895.0	895.0	632.0
<b>Total Expenditure</b>	<b>1,020.0</b>	<b>1,330.0</b>	<b>1,330.0</b>	<b>632.0</b>	<b>1,020.0</b>	<b>1,348.0</b>	<b>1,348.0</b>	<b>632.0</b>
<b>Funded by:</b>								
Spend to Save	-	435.0	435.0	-	-	453.0	453.0	-
<b>Total Funding</b>	<b>-</b>	<b>435.0</b>	<b>435.0</b>	<b>-</b>	<b>-</b>	<b>453.0</b>	<b>453.0</b>	<b>-</b>
<b>Overall Net Total</b>	<b>1,020.0</b>	<b>895.0</b>	<b>895.0</b>	<b>632.0</b>	<b>1,020.0</b>	<b>895.0</b>	<b>895.0</b>	<b>632.0</b>
<b>Reduction in revenue running costs per annum</b>				<b>263.0</b>				<b>263.0</b>
<b>Number of years to achieve spend to save</b>				<b>3.3</b>				<b>3.4</b>

## 5.2 Revenue Implications

It is anticipated that the revenue savings which would be realised from the implementation of this project would total £263k per annum. These would arise from:

- ending the requirement for costly out of authority placements (except where specialist services were required e.g. secure accommodation). It should be noted that the revenue running costs of the existing service have reduced since the SOC was presented. This is due to the ceasing of one out of authority placement, however, this situation can change at very short notice resulting in expenditure increasing by in the region of £150k per annum if a new placement was required. It is important that investment decisions are based on year-on-year averages which take account of such cost fluctuations;
- ending the requirement for costly singleton placements;
- efficient use of staff in a fit for purpose building;
- efficiencies in relation to energy and other property costs of a new fit for purpose building;
- More efficient use of Social Worker time due to not having to travel to the mainland to support young people being accommodated out of authority.

## 5.3 Capital Implications and Cost Breakdown

It is anticipated that the overall project cost will be up to £906k, depending on which of the preferred options is progressed, currently there is a proposed project budget in the Asset Investment Plan of £670k.

It is likely that the works will be done over a 2-year period with up to £453k spent in each year. A cost plan summary, comparing the procurement options described in section 4.0 above is set out in the table below.

Element	Estimated cost (£)	
	HHA	SIC
Land	23,000	N/A
Legal	9,000	
Pre Acq costs	500	
Site infrastructure	57,397	712,500
External works	127,024	
Building	472,929	
Prelims	45,336	49,875
Design fees	80,505	107,200
Statutory body fees	5,600	11,805
HHA management fee	21,477	N/A
3 <sup>rd</sup> party warranty	2,000	N/A
Fixtures, fittings & furniture	25,000	25,000
<b>TOTAL</b>	<b>£869,768</b>	<b>£906,380</b>
	<b>Preferred option</b>	



## **5.5 Balance Sheet Implications**

There will be an increase in the value of Long Term Assets of up to £906k on the Council's Balance Sheet.

## **5.6 Overall Affordability**

The proposed capital cost of the project is up to £906k over the 2-year construction period. The approved Asset Investment Plan 2018-2023 includes a potential project budget for Children's Supported Accommodation New Build of £670k for this project subject to approval of the Full Business Case, however revised plans indicate a higher budget of up to £906k will be required, depending on which of the preferred options is progressed.

The reduction in ongoing revenue costs which could be realised from the implementation of this project, indicates that it would meet the criteria for 'Spend to Save' funding. However, depending on the progress of other projects in the Asset Investment Plan, it may be advantageous to fund from other means e.g. General Capital Grant.

Once the capital project is complete, the impact on the Income and Expenditure Account will be a reduction in revenue costs for Children's Services of £263k per annum.

## **6. The Management Case**

### **6.1 Introduction**

This section of the Full Business Case addresses the ‘achievability’ of the scheme. Its purpose is to set out the actions that will be required to ensure the successful delivery of the scheme in accordance with best practice.

### **6.2 Programme management arrangements**

The scheme is an integral part of the Children’s Resources service plan and Children’s Services Directorate Plan, which comprises a portfolio of projects for the delivery of services for Shetland’s vulnerable children, young people and their families.

### **6.3 Project management arrangements**

The project will be managed in accordance with PRINCE 2 methodology, which has been adopted by the Council.

Project development thus far has been led by staff within Children’s Services, supported by Capital Programme Service, Finance Service and Governance and Law.

Project management arrangements for implementation would differ depending on the chosen procurement route.

The preferred option (Design and Build through HHA), would essentially transfer project management responsibility to HHA. Council staff, mainly from Children’s Services and Capital Programme Service would have limited involvement throughout the construction phase, generally resolving queries and processing payments.

Should the Council decide to build elsewhere on land already owned by the Council or to be acquired by the Council, as described in section 4.5 above, Project Management would be undertaken by Capital Programme Service, who would also provide some other professional services such as Quantity Surveying and supervision. Design services would be sourced externally.

#### ***6.3.1 Outline project reporting structure***

The Senior Responsible Owner for the project is the Director of Children’s Services. Reporting arrangements would depend on the procurement route chosen, as set out above.

#### **6.3.2 Outline project plan**

Table 11: Milestones

<b>Milestone activity</b>	<b>Week no.</b>
Final draft of SOC to be completed	By End November 2018
Present to Education and Families and Policy and Resources committees	By 10 December 2018
Development of FBC	By 17 January 2019
Council consideration of FBC	20 February 2019
Design complete	Summer 2019
On site	Autumn 2019

#### **6.4 Gateway review arrangements**

A Gate 0 (strategic fit) has been undertaken on the programme in that the scheme sits within the Children's Services Directorate Plan, which has been approved by the Council.

A Gate 1 submission has been approved following consideration of the SOC.

A Gate 3 (Full Business Case) is now being presented for approval.

**Signed:**

**Date:**

**Senior Responsible Owner  
Project Team**