SIC MANAGEMENT INFORMATION 2008/09 - PERIOD 5   **1st April 2008 to 31st August 2008**

<u>**Revenue Expenditure by Service**</u>   **Shetland Islands Council**

(General Fund, Recharged Services & Support Ser	Annual Budget	Year to Date Budget	Year to Date Actual	Year to Date Variance (Adverse)/ Favourable	Savings To be Achieved	Year to Date Variance Before Savings have been deducted (Adverse)/Favourable
	£	£	£	£	£	£
Executive Services (sub total)	**11,584,280**	**4,432,489**	**4,777,931**	**-345,442**	**-1,312,847**	**967,405**
Executive Management	816,596	317,455	112,420	205,035		205,035
Council Members	636,621	249,676	251,570	-1,894		-1,894
Organisational Development	2,886,813	1,248,095	1,165,305	82,790		82,790
Finance	1,231,516	-39,805	1,262,788	-1,302,593	-1,312,847	10,254
Legal & Administration	3,024,843	1,328,459	930,283	398,176		398,176
Housing & Capital Projects	2,987,891	1,328,609	1,055,565	273,044		273,044
Education & Social Care (sub total)	**66,367,723**	**27,535,325**	**24,583,180**	**2,952,145**	**0**	**2,952,145**
Executive Director (inc Museums)	1,363,667	571,648	494,994	76,655		76,655
Community Care	17,489,915	8,037,946	6,622,713	1,415,233		1,415,233
Children's Services	5,776,971	2,385,826	2,170,155	215,671		215,671
Criminal Justice Unit	15,526	6,014	23,943	-17,929		-17,929
Community Work	384,102	153,852	108,408	45,444		45,444
Resources	1,295,951	559,323	482,626	76,697		76,697
Schools (inc Shetland Library)	37,778,062	14,909,630	13,987,459	922,171		922,171
Sports & Leisure	1,718,551	681,684	585,818	95,866		95,866
Train Shetland (inc Adult Learning)	544,978	229,402	107,064	122,338		122,338
Infrastructure Services (sub total)	**27,221,365**	**11,003,939**	**10,611,849**	**392,090**	**0**	**392,090**
Directorate	756,040	311,549	287,078	24,471		24,471
Environment & Building Services	5,023,983	2,107,192	1,695,648	411,544		411,544
Roads	6,559,860	2,797,931	2,860,104	-62,173		-62,173
Transport	13,750,187	5,321,907	5,379,493	-57,586		-57,586
Planning	1,131,295	465,360	389,525	75,835		75,835
Economic Development Unit (sub total)	**782,503**	**324,676**	**300,418**	**24,258**	**0**	**24,258**
Economic Development Unit	782,503	324,676	300,418	24,258		0
TOTAL	**105,955,871**	**43,296,429**	**40,273,378**	**3,023,052**	**-1,312,847**	**4,335,899**

Shetland
Islands Council

REPORT

To: **Shetland Islands Council** **22 October 2008**

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

Report No: F-029-F

SIC Revenue Management Accounts 2008/09
General Fund, Harbour Account, Housing Revenue Account and Reserve Fund
For the Period 1 April 2008 to 31 August 2008

1. Introduction

1.1 The purpose of this report is to advise Members of the financial position on the Council's General Fund (inc Support/Recharged ledgers), Harbour Account, Housing Revenue Account and Reserve Fund revenue management accounts (RMA) for the first five months of 2008/09.

2. Links to Corporate Priorities

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

3. Background

3.1 The revenue management accounts are presented to Executive Management Team (EMT) on a monthly basis to enable EMT to monitor the Council's overall financial position.

3.2 This monitoring report to Members covers the period 1 April 2008 to 31 August 2008. Only controllable items of expenditure are included, on the basis that recharges for central services and financing costs and income are not controllable in terms of spending decisions. Thus expenditure items include employee costs, property costs, transport, grants and other running costs, and income comprises of fees and charges, grants and rents.

3.3 For information, all appendices show the Annual Budget, Year to Date Budget, Actual and Variance. It is the Year to Date variances, which are referred to within this report. An estimation of when spending will occur or income is to be received is made on each budget and a spend profile is set which determines the Year to Date Budget. The Year to Date Variance

shows how actual activity has varied from the planned budget. Appendix 1 (a) & (b) shows expenditure and income by service area and by type. Appendices 2(a), 2(b) and 2(c) shows the same data by cost centre activity.

4. Financial position on the General Fund (includes support and recharged ledgers)

4.1 The General Fund revenue management accounts spend is £3.023 million less than the year to date budget (see Appendix 1). This is after the savings of £1.312m, built into the 2008/09 budgets to reach the approved draw on Reserves of £4 million, has been met. Of the £3.023 million savings, there are outstanding bills for electricity and audit fees which amount to £1.203m still to be met. The remaining £1.820m is made up of underspending on employee costs and operating costs, which may or may not be spent as the year progresses. Separate reports to Council have been made on energy costs where there have been significant rises in the prices for electricity and fuel (approximately £1.5m for a full year). Measures are being put into place to minimise the impact of this and it is hoped to contain this within existing budgets. The latest pay award negotiations are looking at an increase of 3% for 2008/9, should this be approved this would result in approximately additional spend of £1.4m based on current employee costs to date. The budget contains 2.5% inflation so there will be an additional unbudgeted cost to the Council. Should any of the identified additional costs not be able to be contained this will be brought to your attention in further monitoring reports.

Summary of Underspend Position at Period 5	£m
Underspend to Period 5	4.335
Savings (vacancy factor) built into budget	1.312
	3.023
Outstanding Electricity Bills & Audit fees to date	1.203
Electricity & Fuel Price increases pro rata to date	0.625
Possible Pay Award to date	0.605
Remaining underspending to date	0.590

4.2 Attached, as Appendix 2 is a more detailed cost centre listing of spend to date for information grouped by Education and Social Care Services (Appendix 2a), Infrastructure Services (Appendix 2b) and Executive Services (Appendix 2c).

4.3 Education and Social Care Services: -

4.3.1 The Education and Social Care Department spent £2.953m less than budgeted up to the end of August, of this £0.439m relates to outstanding electricity bills and employee costs have underspent by £1.402m mainly on community care, schools and children's services. Social care training has not been progressed as fast as originally planned resulting in an underspend of £0.161m.

4.4   Infrastructure Services: -

4.4.1 The Infrastructure Department spent £0.392m less than budgeted up to the end of August, of this £0.255m relates to outstanding electricity bills. The main overspend area is on transport fuel which is £0.344m more than currently budgeted for.

4.5   Executive Services: -

4.5.1 Excluding the corporate savings of £1.312m which is budgeted under Executive services, the department spent £0.967m less than budgeted up to the end of August. Of this £0.304m relates to outstanding electricity and audit bills, the only other material variance is for staffing vacancies across the department of £0.241m.

5.   Financial Position on the Harbour Account

5.1   The Harbour Account shows an overspend of £0.780m, however, after excluding the overspend of £1.214m on the jetties/spur booms fully funded by BP; the Harbour Account is underspent by £0.434m. Detailed analysis has highlighted a number of significant variances on harbour dues, to date the favourable/adverse variances net off one another but should income continue to reduce (Scheihallion is not yet back to full throughput) it will have an effect on achieving the target contribution to the Reserve Fund.

5.2   Appendix 3 shows expenditure and income by service area and by type. Appendix 4 shows the same data by cost centre activity.

6.   Financial Position on the Housing Revenue Account

6.1   The Housing Revenue Account shows an overspend of £0.162m, however this is mainly due to the timing of rents fortnights not matching the period end and profiling of maintenance costs.   There have been 19 council house sales, which has reduced income from rents to date.

6.2   Appendix 5 shows expenditure and income by service area and by type. Appendix 6 shows the same data by cost centre activity.

7.   Financial Position on the Reserve Fund

7.1   The Reserve Fund shows an underspend of £0.776m; this is mainly due to profiling variances on Economic Development grant assistance budgets.

7.2   Appendix 7 shows expenditure and income by service area and by type. Appendix 8 shows the same data by cost centre activity.

8. Action Plan to resolve budget variances

8.1 Budget Responsible Officers (BRO's) have been actively encouraged to review the profiles on their budgets, identify and deal with any miscodings and action appropriate virements so that period variances do not obscure the real financial position. Management Accountancy will continue to provide advice and training to assist BROs to manage their budgets.

9. Financial Implications

9.1 The general fund revenue management accounts for the first 5 months of 2008/09 (including support and recharges) is £3.023m under the budget for that period. This is after savings of £1.312m have been taken into account. To ensure that all inflationary increases in electricity, fuel and pay award can be met from within existing budgets there is a need for Budget Responsible Officers to continue to carefully manage activities and budgets.

9.2 The Harbour Account is currently within budget (excluding jetties/spur booms fully funded by BP); however there is an issue of whether or not income targets will be achieved which is outwith the control of the Council.

9.3 The Housing Revenue Account is on target to be within budget assuming that there is not a large increase in the sale of council houses and maintenance is kept within budget.

9.4 The Reserve Fund is on target to be within budget, most activity under the Reserve Fund is grant assistance however the outturn is difficult to determine as it depends on external uptake.

9.5 Any underspend against budget will reduce the draw on reserves, conversely, any overspend will increase the draw on reserves, which will reduce the amount available for use in future years.

10. Policy & Delegated Authority

10.1 This report is being presented to the Council for information in terms of its remit for financial policy and monitoring.

11. Recommendation

11.1 I recommend that the Council note the report.

Report No: F-029-F
Ref: Accountancy/HKT   Date: 10 October 2008

REPORT

To: Shetland Islands Council   22 October 2008

From: Head of Finance

Shetland Islands Council
Financial Regulations
Report No: F-030-F

1.   Introduction

1.1   Attached to this report as an appendix is a proposed revision of the Council's Financial Regulations. These regulations govern at a high level the financial business of the Council.

1.2   The Financial Regulations will be reviewed and updated when necessary by the Head of Finance, other than minor operational matters, by means of a report to the Council.

2.   Financial Implications

2.1   This report has no direct financial implications.

3.   Policy and Delegated Authority

3.1   The establishment of proper Financial Regulations, as part of the establishment of a framework for the proper financial administration of the authority, is a matter for the full Council to deal with.

4.   Recommendations

4.1   I recommend that the Council review the enclosed draft Financial Regulations attached as an appendix to this report and approve them for implementation with immediate effect.

Date: 14 October 2008   Report No: F-030-F
Our Ref: GJ/DS

Page 1 of 1

Contents

SHETLAND ISLANDS COUNCIL FINANCIAL REGULATIONS

1. Introduction and General Guidelines

1.1 The documents governing the conduct of local government business conventionally fall into three categories: corporate standing orders (broad strategic statements), regulations (more detailed aspects of control) and practitioners' manuals (basic details describing particular work procedures). In this Council the first two requirements are covered by the **SIC Administrative Regulations** the **SIC Scheme of Delegations** and the **SIC Financial Regulations,** which deal with both corporate standing orders and regulations. These main documents are backed up as necessary by a range of practitioners' manuals, which are referred to as appropriate.

1.2 These Financial Regulations constitute the third of the three main documents referred to in 1.1, and are intended to set out a framework for the proper financial administration of the Council. They cover the role of Members and Officers in budget setting and monitoring at Sections 6 and 7. All Budget Responsible Officers (BROs), Project Responsible Officers (PROs), Administration Officers and Senior Officers (Service Managers and above) will need to be familiar with the Financial Regulations. The practitioners' manuals will be of less general relevance and are mainly aimed at specialists in particular fields.

1.3 It is intended that the high level roles and responsibilities of Members and Officers are encompassed in this document. However, it is not realistic to expect every possible situation and interpretation that may confront an Officer responsible for the detail to be foreseen and covered in a single document, where that document remains at a manageable size. Where, say, a BRO needs further advice, then potential sources are his/her Line Managers, Departmental Administration Officers, Service Manager - Management Accountancy, Financial Accountant, Head of Legal and Administration, Internal Audit, the Head of Finance or ultimately Committee and/or Council. Where particular problems of interpretation become apparent then guidance notes will be issued to accompany these Financial Regulations. An up to date set of Financial Regulations, practitioners' manuals and guidance notes will be maintained on the Council's Intranet and hard copies will be available from the Head of Finance.

1.4 This document is intended to be a useful and live document. The Financial Regulations will be reviewed and updated when necessary by the Head of Finance by means of a report to the Council. All references in these Regulations to practitioners' manuals and other relevant documents shall be kept as up to date as possible, but it is implicit that any references relate to any current equivalent in the Council.

2. Statutory Framework and the 'Proper Officer'

2.1 Scottish legislation makes reference to financial administration in Section 95 of the Local Government (Scotland) Act 1973, which requires any local authority to "make arrangements for the proper administration of their financial affairs and shall secure that the Proper Officer of the authority has responsibility for the administration of those affairs". The Head of Finance is the Section 95 'Proper Officer' for this authority and is thus responsible for detailed Financial Administration. These Financial Regulations are a major element of the proper financial administration of this Authority.

2.2 Section 81 of the 1973 Act requires a local authority to make "standing orders **with** respect to the making by them or on their behalf of contracts for the supply of goods or materials for the execution of works". The Council's Standing Orders Relating to Tenders and Contracts are set out on the Legal and Administration section of the Council's Intranet.

2.3 Section 122A of the Local Government (Scotland) Act 1973 as inserted by Section 170 of the Local Government Etc. (Scotland) Act 1994 requires the Council to secure value for money (economy, efficiency and effectiveness) in all that it does. The 'Best Value Regime' (which is the subject of legislation in the 2002 Local Government Act and the Local Government in Scotland Act 2003) also requires the Council to seek best value by pursuing continuous improvement in all areas of activity. This expands on the definition of value for money to ensure that the Council has due regard for the need to compare services with other providers and also to consult with users and stakeholders on an appropriate level and quality of service to meet their needs and aspirations.

3. Best Practice

3.1 There is very little guidance as to what is considered best practice in the area of financial regulations and in the absence of definitive guidelines or a statutory framework this document draws heavily on the Chartered Institute of Public Finance and Accountancy's (CIPFA's) Financial Information Service (FIS) which suggests an approach where major items are dealt with in Financial Regulations and other items in separate documents, with reference to the other documents included in the Financial Regulations. The making, alteration or revocation of the Financial Regulations is a non-statutory exclusion from delegation, as stated in Section 8.2 of the Council's Scheme of Delegations.

4. Accounting and Form of Accounts

4.1 The Head of Finance shall be responsible for ensuring the accounting system delivers accounts in a form that complies with all relevant statutory requirements and deadlines.

4.2 All accounting procedures, and the form of records of the Council and its Officers, shall be determined by the Head of Finance. Where such procedures

and records are maintained in a department other than Finance, the Head of Finance shall, before making any determination, consult the Senior Officer concerned.

4.3 All accounts and accounting records of the Council shall be compiled by the Head of Finance or under his/her direction.

4.4 The following principles shall be observed in the allocation of accounting duties:

(i) the duties of providing information regarding sums due to or from the Council and of calculating, checking and recording these sums, shall be separated as completely as possible from the duties of collecting or disbursing them;

(ii) officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions; and

(iii) where these principles cannot be complied with it shall be the duty of the Senior Officer concerned to report such details to the Head of Finance who will advise as to what steps should be taken.

4.5 No financial sums or other assets in excess of £1,000 shall be written out of the main accounts or subsidiary records of the Council except by the Head of Finance who shall report all such sums written off to the Council. Sums or other assets of less than £1,000 may be written out of the main accounts or subsidiary records of the Council with the express authority of the Head of Finance.

5. Financial Administration

5.1 The Head of Finance shall for the purposes of Section 95 of the Local Government (Scotland) Act 1973 be responsible for the proper administration of the Council's financial affairs. The Head of Finance shall be responsible to the Council for proposing regulations and controls to ensure the proper administration of the finances of the Council.

5.2 The Council shall provide general direction to the Head of Finance on the administration of the Council's financial affairs.

5.3 The Head of Finance shall be responsible to the Council for the provision of advice relating to the impact of changes in Financial Legislation and Regulations relevant to the affairs of the Council.

5.4 The Head of Finance shall be responsible for the provision of financial advice, including the interpretation of the Council's financial policies, strategies and circumstances. The Council, each Committee, each Member and each Officer of the Council shall be entitled to such financial information or advice as is reasonably required for the performance of their duties. The Head of Finance shall, when such a requirement is identified, be responsible for providing that assistance in a reasonable timescale and a suitable format.

5.5 The Head of Finance shall be responsible for the provision of advice concerning VAT (Value Added Tax) or any other relevant taxation issues, and any such queries should be referred to her/him.

5.6 The Head of Finance shall ensure that at all times proper and adequate financial systems exist which deliver to all of the Council's Budget Responsible Officers the information necessary for financial management.

5.7 The Senior Officer(s) responsible to each Committee shall ensure that the Committee is properly informed of the Committee's finances and of the financial implications of current or proposed activities, having consulted on all such matters with the Head of Finance.

5.8 The Head of Finance shall ensure that the Council is kept informed of the Council's overall finances and of the significant financial implications of current or proposed activities for the Council as a whole.

6. Financial Planning

6.1 The Council has Long Term Financial Policies which inform the Corporate Plan, and vice versa. These policies are reviewed annually and amended, as appropriate, by the Council.

6.2 The Head of Finance is responsible for detailed Long Term Financial Planning, which draws upon and informs the Long Term Financial Policies.

7. Budget Preparation, Monitoring and Control

7.1 The Council shall be responsible for the preparation of estimates for all forms of income and expenditure within its remit. Such estimates should comply with the relevant budget strategy and should be in a form set out by the Head of Finance, after consulting the corporate Executive Management Team, and to a timetable as laid down by the Head of Finance that enables the Council to meet the statutory deadlines which apply. All capital estimates must take into account the revenue implications, and all reports giving rise to capital commitments must fully address those revenue implications.

7.2 The Head of Finance shall be responsible for collating the estimates and shall be responsible for reporting the summary overall estimates to the Council. The Head of Finance shall then make recommendations to the Council with regard to the proposed levels of expenditure, income and charges. The Head of Finance shall strive to ensure that the recommendations are consistent with the Council's budget strategy and Long Term Financial Policies, but shall, where necessary, highlight any differences requiring a decision of the Council.

7.3 It is the responsibility of each Budget Responsible Officer (see Section 8 of the Financial Regulations below) to monitor and control income and expenditure (including commitments) against the budgets for which she/he is responsible.

7.4   It is the responsibility of each Senior Officer to monitor and control income and expenditure (including commitments) against the budgets of the Department/Service for which she/he is responsible.

7.5   It shall be the duty of each Committee to monitor and control its own financial performance against budgets within its remit as approved by the Council.

7.6   It shall be the duty of the Head of Finance to monitor and report to EMT, the overall financial performance against the budgets approved by the Council, and to make suitable reports and recommendations to the Council as are deemed necessary.

7.7   All reasonable efforts should be made to ensure that no expenditure is incurred which exceeds an approved budget for a given service or project. All reasonable efforts should be made to ensure that expenditure is incurred for the purposes, and in the amounts, approved by the Council. All reasonable efforts should also be made to ensure that income is collected at least up to the level of an approved budget for a given service or project.

7.8   Where expenditure is unavoidably incurred which exceeds an approved budget at any level by the amount of the de minimis sum (see 7.9 below) then the Budget Responsible Officer must report, via line management, the facts and circumstances to the relevant Committee if required to do so by the virement rules (see 7.10 below) at the earliest opportunity with proposals for remedial action, which may include virement.

7.9   The de minimis sum shall be proposed by the Head of Finance each year, and approved by the Council by means of the Formal Resolutions included in the budget setting report.

7.10   Virement is the power to transfer resources between approved budgets. The governing principle is that BROs should pursue the service outputs determined by the Council, and should have sufficient flexibility over the inputs to concentrate on that objective. In practice this means that BROs should have full budget flexibility within each cost centre, except where a virement creates an ongoing commitment (in which case the following rules apply).

7.11   Virement between cost centres is governed by the following procedures:

    7.11.1   Virements shall not be undertaken except as follows:

        (a)   Amounts in excess of the de minimis sum which create an ongoing commitment require the approval of the Council.

        (b)   Amounts in excess of ten times the de minimis sum which do not create an ongoing commitment require the approval of the Council.

        (c)   Amounts between two point five and ten times the de minimis sum which do not create an ongoing commitment require the approval of the Executive Management Team.

Page 7 of 22

- 15 -

(d)   Amounts between one and two point five times the de minimis sum which do not create an ongoing commitment require the approval of the affected Head(s) of Service. This condition is extended to five times the de minimis sum in the case of virements between separate capital rolling programmes.

(e)   Amounts up to the de minimis sum which create an ongoing commitment require the approval of the affected Head(s) of Service.

(f)   Amounts up to the de minimis sum which do not create an ongoing commitment require the approval of the affected Budget Responsible Officer(s).

(g)   All virements shall be processed by the Management Accountancy Section of Finance Services, who shall advise the Head of Finance of any virement matters requiring his attention.

7.11.2   If a combination of virements in a given financial year affecting a given budget head exceed the de minimis sum in total, then at that point, the authorisation requirement for amounts greater than the de minimis sum must be met.

7.12   In the event of an emergency, reasonable expenditure in excess of approved budgets may be incurred at the discretion of Budget Responsible Officers with reference to their Executive Director/Head of Service. Any such expenditure will then be subject to the provisions of regulation 7.8.

8.   Budget Responsible Officer and Authority to Commit and Spend

8.1   For each Council budget there is a Budget Responsible Officer (BRO). The BRO is responsible for preparation, monitoring and control of that budget. All Line Managers in the chain above the BRO have overall responsibility for the BRO's budgets.

8.2   Typically most, if not all, budgets within a cost centre will be the responsibility of a single BRO. The exceptions may be items such as building maintenance costs, rates etc, where there is a BRO for all such budgets across the Council (i.e. across many cost centres). The Management Accounting Section maintains a register of BROs matched to each budget in the Council and should be consulted if clarification is required.

8.3   Prior to committing the Council to the acquisition of goods, works and services the BRO must address:

8.3.1   Is the action legal?

8.3.2   Does authority exist to undertake the acquisition?

8.3.3   Is there a budget for the cost of acquisition?

8.3.4   Is the proposed expenditure best value?

8.3.5   Have Council procurement policies and procedures been met?

8.4   When considering best value, a BRO must review the quality, economy, efficiency and effectiveness of the proposed expenditure in relation to the Council's intentions when it sets the budget.

8.5   The legality of the action will normally stem from specific legislation related to service delivery and will usually be established within a Service Plan. However, wider legislation must also be considered to ensure that the proposed action falls within the procurement regulations laid down by the European Union for Works, Services and Supplies and, related to those, that the action complies with the Council's own contract Standing Orders and other related procedures (see Section 11 below). It should be noted that the Council is not generally empowered (i.e. unlike individuals and companies which can do anything not specifically illegal, the Council can only operate in areas where statute specifically permits it to do so).

8.6   The question of whether or not the BRO has available a budget to fund the action should be determined by reference to prior budgetary approval and the latest management accounting information, including any known commitments made but not yet paid for. The rules on virement also come into play, and are set out in Section 7 above.

8.7   The authority to undertake an action normally has to be specifically delegated to Officers by virtue of a decision of a Committee or the Council, wherever the authority to take that decision lies. There is a distinction to be drawn, however, between operational and service related budgets. It is the case that the Senior Officers of each Department have the authority to spend operational budgets to ensure the effective management of the Department/Service and each Senior Officer's defined role gives him/her the authority to do so. Where budgets are for service related expenditure, the issue of authority to spend becomes more complex. Some of these issues are addressed below:

i)   Where the action is as a result of a specific report to the Council and this proposal has been approved, the authority to spend is clear and is backed by a specific minute reference.

ii)   Where the action involves a specific budget head for a specific purpose the fact that the Council has agreed a specific budget for a specific purpose would be construed to be authority to purchase those specific services.

iii)   However, where the action involves a more general budget heading the approval of a budget would not give authority, and in material cases specific authority should be sought from the Committee or Council as appropriate.

iv)   A category which should be considered separately is where grant disbursements are involved. Although in most cases a specific budget head is established for a specific purpose (see (i) above) paying out the grant requires the express approval of Committee or Council to comply,

inter alia, with the Council obligation to follow the public pound. That report would also lay down the conditions attached to the payment of the grant. The exception to that would be the payment of grant under a grant scheme with approved delegated authority.

v) A further special category is regular Road Maintenance and Winter Road Maintenance. Only one of these services is practicable at any given time due to weather conditions, and the Executive Director – Infrastructure Services therefore has unlimited discretion to vire resources between the two.

8.8 Should any BROs be unsure as to whether or not their intention to acquire, and/or make a commitment for, goods, works or services complies with the conditions laid out above, they should in the first instance refer the case to their Line Manager who, if unable to reach a conclusion in isolation, should take advice from Management Accountancy and the Head of Legal and Administration as necessary in order to resolve the query.

8.9 Any reports presented to Committee or Council by Officers must specifically identify the extent of any financial implications. Prior to release the Head of Finance must be consulted on any such financial implications.

8.10 When considering Best Value, a BRO must review the quality, economy, efficiency and effectiveness of the proposed expenditure in relation to the Council's intentions when it set the budget, having due regard to the views and aspirations of stakeholders.

8.10.1 In essence, Best Value is a way of working, which is built on quality management systems, and focuses on service delivery and performance.

In summary, it requires Managers to:

(a) provide clear leadership and service direction;

(b) understand and respond to the needs, expectations and priorities of stakeholders;

(c) carry out periodic and effective service reviews;

(d) have detailed and realistic plans for achieving service goals;

(e) make best use of staff;

(f) make best use of assets;

(g) have sound financial control and reporting;

(h) actively support continuous improvement;

(i) monitor and control overall service performance;

(j) have an effective approach to service planning and public performance reporting.

8.10.2 In terms of relevance to the Financial Regulations, the most important aspect of this process is the periodic updates of Service Plans. As part of that process, a Manager will be required to address what is commonly known as "the 4 C's" – the Best Value tests, namely:

i) Challenge – why does the service exist?

ii) Compare – how do others deliver/provide the service?

iii) Consult – what do users and providers think about the service?

iv) Consider – how could the service be delivered differently?

8.10.3 The fourth element – the "Consider" part of the Service Review – requires Managers to choose the Best Value Option to best meet the service objectives.

8.10.4 In summary, Managers should take a wide view of procurement which allows them to consider a range of procurement options in accordance with the Council's Procurement Strategy and relevant policies. The main options which Managers will be expected to develop and test are:

a) improved in-house service;

b) reconfiguring;

c) joint working;

d) market testing the in-house service;

e) partnership;

f) externalisation;

g) transfer;

h) ceasing provision;

i) hybrids; or

j) collaboration (both internal and external)

8.10.5 All services will be subject to scrutiny to ensure efficient service delivery. The process of Best Value Service Reviews being undertaken to obtain quality, value-for-money services will investigate alternative means of procuring service delivery, minimising bureaucracy, and thereby achieving cost-effective service delivery. A

full range of service delivery options will be explored and an assessment made of the most appropriate means of delivery, be it in-house, the private sector, the voluntary sector or through partnership arrangements. Where it is possible and best value to do so, the Council will support and promote locally produced goods and services. Where, however, a corporate procurement arrangement has already been established and/or an opportunity exists to take advantage of other more favourable contracts or arrangements, eg. through Procurement Scotland or Scotland Excel these must be considered initially. (See Section 9 below).

9. Procurement of Goods, Work and Services

9.1   All procurement of goods, work and services must be progressed in accordance with the Procurement Strategy, Standing Orders relating to Tenders and Contracts and related policies and procedures.

9.2   Orders for works, goods and services shall be in a form approved by the Head of Finance.

9.3   Such orders shall be issued for all works, goods or services to be supplied to the Council except for supplies of public utility services (e.g. telecommunications, electricity, water and drainage), periodical payments, petty cash purchases or other such exceptions approved by the Head of Finance.

9.4   Budget Responsible Officers, having determined that any proposed expenditure is best value, legal, authorised and that budget is available (see Section 8 above), should follow the current Council policies and procedures on Procurement of Goods, Works and Services.

9.5   The Procurement policies and procedures are intended to provide Council Officers (and external consultants) involved in procurement on behalf of the Council with direction on: the appropriate procurement processes to be followed; the main tasks and steps which will be involved in those processes; and the roles and responsibilities of the principal parties.

9.6   The Relevant Percentage (see Glossary) for the purposes of the Procurement guidance and the Council Standing Orders is 10%.

9.7   Certain goods and services are already identified as being a corporate procurement activity, e.g. purchase of ICT equipment and must not be procured by unauthorised BRO's. The Council is also progressing other collaborative procurement opportunities with Procurement Scotland and Scotland Excel. Further information is set out on the Procurement Intranet Site.

10. Inventories and Disposal of Council Assets

10.1   Inventories shall be maintained by all Departments in a format determined by the Safety and Risk Service Manager covering all owned and leased items of furniture, fittings, vehicles, vessels, plant and machinery.

10.2   Each Senior Officer shall be responsible for maintaining an ongoing check on the inventory and for taking appropriate action in respect of any surpluses or deficiencies. Each Senior Officer shall be responsible for immediately informing the Asset Registrar in Finance Services of any change in their asset base which affects the corporate Asset Register (e.g. internal transfers between services, assets becoming surplus to requirements, purchase and sale of assets).

10.3   The Council's property shall not be used other than for the Council's purposes, nor removed other than in the course of Council business, except under specific instruction from the responsible Senior Officer and as provided for in the Council's Code of Conduct for Employees.

10.4   Services have responsibility for recycling the assets within their Service and across all Council Services.

10.5   Once the Service has satisfied itself that the Council has no further need for an owned asset, it may do the following:

   10.5.1 Advertise the items for private bids. If assets are to be open to bids from Council staff for private use, they must also be advertised externally at the same time. The Service will pay the costs of advertising and manage the sealed bids process. Proceeds from the sale will go to the Service concerned. Proceeds from the sale of capital assets are used to fund the capital programme.

   10.5.2 Pass an up to date inventory for surplus items to the Asset and Properties Unit who will take responsibility for the items included in the inventory and will arrange uplift and sale. In this case, proceeds from the sale will be credited to the appropriate fund (e.g. General Fund, Harbour Account, Capital Receipts Reserve), as appropriate.

10.6   If Departments have remaining assets after a private bids sale, then they will pass the items to Asset and Properties Unit as defined in 10.5.2.

10.7   The ICT Manager will be responsible for recycling redundant computer equipment within the Council. Once he/she is satisfied that there is no appropriate use for the equipment in the Council, he/she will ensure that it is disposed of in a secure fashion which yields the best available return for the Council.

10.8   Managers will be under a duty to choose the process likely to provide best value for the Council, based on the likely income from the sale of the assets and the estimated administrative costs.

10.9   The Asset and Properties Manager has delegated authority to decide on the best course of action on the basis of the equipment left. This would include any of the following actions:

   i)   advertise all equipment and invite sealed bids (as at present);
   ii)   arrange a public auction;
   iii)   arrange for a salvage company to remove the equipment;

iv)   dispose by gift or nominal charge to a voluntary group;

v)   dispose by gift on a first out of the hat basis where there is a possibility that a number of voluntary groups are interested in the equipment.

10.10   Proceeds from sales will be reported on a regular basis, if required, to the ICT Management Board and the appropriate Committee.

10.11   All Services will be under a duty to check the circulations of recycled items within the Council for items required before they purchase new items.

10.12   All issues relating to the disposal of land and buildings must be referred to the Asset and Properties Manager or his/her nominee.

11. Standing Orders Relating to Tenders and Contracts (Standing Orders)

11.1   The Council's Standing Orders Relating to Tenders and Contracts and related amendments are set out on the Legal and Administration section of the Council's Intranet.

11.2   The Council's Rules of Procedure apply to <u>all</u> contracts for works, supplies, services or service subsidies where a Council Department / Unit is involved in tendering for a main contract and are required to be followed when letting such a contract. The Council's Code of Practice for In-House bids" must also be followed in such circumstances. These are also set out on the Legal and Administration section of the Council's Intranet.

11.3   Lower value procurement procedures to cover the procurement of goods, works and services, where Council Standing Orders do not apply, must be followed. An approved list of contractors, service providers and suppliers is currently being developed to work alongside these procedures. These procedures are also set out on the Legal and Administration section of the Council's Intranet.

12. Internal Audit

12.1   Internal Audit is an independent appraisal function, operating under the supervision and direction of the Head of Finance, specifically established to assess the effectiveness of the Council's internal control environment. Internal Audit does not relieve the Council's management of its responsibility for maintaining effective control. It can, however reassure management when control is adequate, and identify and report inadequate control to enable those accountable to strengthen weaknesses before any serious breakdown occurs.

12.2   Notwithstanding the regular reporting line via the Head of Finance, the Internal Audit Manager has a right of direct access to report matters of concern to the Chief Executive and/or the Audit and Scrutiny Committee in its role as Audit Committee if circumstances warrant it.

12.3   The Council's Internal Audit Charter applies to all work performed on its behalf by the Internal Audit Service and provides the authority through which the Service's work is executed.

13. Treasury Management

13.1   Treasury Management for this authority is the responsibility of the Head of Finance.

13.2   Treasury is responsible for the investment of the Council, Pension Fund and Charitable Trust investments through Fund Managers, and the subsequent monitoring and review of the Fund Managers and the investments. Treasury also deals with the daily cash management requirements of the Council, ensuring sufficient daily working bank account balances and the proper investment of surplus cash. Treasury works closely with the bank and is the bank's first point of contact on any Council issues.

13.3   The Head of Finance is responsible for an annual report to the Council on cash management, covering both cash reserves and debt management. The Head of Finance reports annually on the performance of each Fund invested externally with fund managers.

13.4   The precise procedures, which must be followed by Treasury are set out in the Council's Treasury Management Procedural Document.

14. Safety and Risk Services (including Insurance)

14.1   Insurance for this authority is the responsibility of the Head of Legal and Administration.

14.2   All reportable incidents, accidents and claims, and material facts which may give rise to a claim, must first be reported to the Council's Nominated Persons and Authorised Assistants for Insurance. If there is uncertainty as to who those individuals are, contact the Safety and Risk Service Manager for clarification.

14.3   The detailed procedures which must be followed in this area are set out in the Council's Insurance Procedures manual.

14.4   Risk Management concerns itself with the identification and management of those uncertain future events that could influence the achievement of an organisation's strategic, operational and financial objectives.

14.5   This Council is committed, through the Corporate Plan, to Risk Management as an integral part of everyday business throughout all areas of Council activity and, centrally, to the establishment of an effective Corporate Governance culture.

14.6   All Council employees are expected to adopt the principles of Risk Management   in their daily working practices and to take account of these principles in the creation and delivery of service plans. For advice and guidance on this subject contact should be made with the Safety and Risk Service Manager.

15. Salaries, Wages and Pensions

15.1 The payment of all salaries, wages, pensions, compensation and other emoluments to all elected members, employees or former employees of the Council shall be made by the Head of Finance, under arrangements approved and controlled by her/him.

15.2 Each Senior Officer shall notify the Head of Finance as soon as possible of all matters affecting the payment of such emoluments, in particular:

(a) appointments, suspensions, secondments and transfers;

(b) changes in remuneration, other than normal increments and pay awards and agreements of general application; and

(c) information necessary to maintain records of service for pension, income tax, national insurance and the like.

The Head of Organisational Development shall also be notified as soon as possible by each Senior Officer of items listed at (a) and (b) above.

15.3 Each Senior Officer shall notify the Head of Finance immediately of all resignations and dismissals.

15.4 Each Senior Officer shall notify the Head of Finance, in the manner prescribed by him/her, of absences from duty for sickness, maternity or other reason, apart from approved paid leave.

15.5 Appointments of all elected members and employees shall be made in accordance with the regulations of the Council and the approved establishments, grades and rates of pay.

15.6 All time records and other pay documents shall be in a form prescribed or approved by the Head of Finance and shall be certified by or on behalf of the relevant Senior Officer. All such records shall be forwarded to the Head of Finance timeously within the deadlines set by him/her. In particular no payment will be made in relation to claims over six months old except in very exceptional circumstances which will require approval by the Head of Finance.

15.7 The names of Officers authorised to certify all payroll documentation shall be sent to the Head of Finance by each Senior Officer and shall be amended on the occasion of any change.

16. Travelling Expenses and Allowances

16.1 All claims by elected members and staff for payment of mileage allowances, subsistence allowances, travelling and incidental expenses shall be submitted to the Head of Finance, duly certified (by the claimant and countersigned by or on behalf of the relevant Senior Officer), in a form approved by him/her, made up to a specified day of each month, timeously within the deadlines set by him/her. All such authorisation should be undertaken by an individual's line manager or, if not possible, an individual of at least the same level of seniority within the Council. Reimbursement is on an individual basis only. No payment

will be made in relation to claims over six months old, except with the express approval of the Head of Finance.

16.2 The names of Officers authorised to certify expenses and allowances shall be sent to the Head of Finance by each Senior Officer and shall be amended on the occasion of any change.

16.3 All claims for the Chief Executive and Assessor and Electoral Registration Officer should be sent to the Head of Finance for certification.

16.4 The certification by or on behalf of the Senior Officer shall be taken to mean that the certifying Officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred, that the allowances are properly payable by the Council, and that no payment will be made by any other body or person towards such expenses or allowances.

16.5 All claims relating to a given financial year should be submitted within one month of the 31 March or as may be stipulated in any year-end instructions issued on behalf of the Head of Finance.

17. Payment of Accounts

17.1 Apart from petty cash the normal method of payment of accounts due from the Council shall be by BACS or other instrument drawn on one of the Council's bank accounts by the Head of Finance.

17.2 The Budget Responsible Officer issuing orders is responsible for ensuring independent examination, verification and certification of related invoices to ensure appropriate segregation of duties, and similarly for any other payment vouchers or accounts arising in his/her area of responsibility.

17.3 Before certifying an account the Budget Responsible Officer shall have satisfied him/herself that:

17.3.1 the work, goods and services to which the account relates have been received, examined and approved;

17.3.2 the amounts are correct;

17.3.3 appropriate entries have been made in inventories, stores or stock records as required, and

17.3.4 the account has not been previously passed for payment and is a proper liability of the Council.

17.4 Duly certified accounts shall be passed without delay to the Head of Finance, who shall examine them to the extent he/she considers necessary, for which purpose he/she shall be entitled to make such enquiries and to receive such information and explanations as he may require.

17.5   Each Senior Officer shall, as soon as possible after 31 March and not later than specified in the final accounts timetable, notify the Head of Finance of all outstanding expenditure relating to the previous financial year.

18. Control of Income

18.1   The collection of all money due to the Council shall be under the supervision of the Head of Finance.

18.2   Each Senior Officer shall furnish the Head of Finance with such particulars in connection with work done, goods supplied or services rendered, and of all other amounts due, as may be required to record correctly all sums due to the Council and to ensure the prompt rendering of accounts for the recovery of income due.

18.3   The Head of Finance shall be notified promptly of all money due to the Council and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the Council. The Head of Finance shall have the right to inspect any documents or other evidence in this connection as he/she may decide.

18.4   All receipt forms, books, and other such items shall be ordered and supplied to departments by the Head of Finance, who shall satisfy him/herself as to the arrangements for their control.

18.5   All money received by an officer on behalf of the Council shall without delay be paid to the Head of Finance or, as he/she may direct, to one of the Council's bank accounts. No deduction may be made from such income unless specifically directed by the Head of Finance. Each Officer who so banks money shall enter on the paying-in slip a reference to the related debt or otherwise indicate the origin of the cheque on the reverse of each cheque. The Officer shall also enter the name of his Department, Office or Establishment.

18.6   Personal cheques shall not be cashed out of the money held on behalf of the Council.

18.7   Every transfer of official money from one member of staff to another will be evidenced in the records of the Services concerned by the signature of the receiving Officer.

18.8   Each Senior Officer shall, as soon as possible after 31 March and not later than specified in the final accounts timetable, notify the Head of Finance of all outstanding income due but not received relating to the previous financial year.

19. Banking Arrangements

19.1   All arrangements with the Council's bankers shall be made by or under arrangements approved by the Head of Finance, who shall be authorised to operate such bank accounts as may be considered necessary.

19.2 All cheques shall be ordered only on the authority of the Head of Finance, who shall make proper arrangements for their safe custody.

19.3 Pre-printed cheques on the Council's bank account shall bear the facsimile signature of the Head of Finance and as with standard cheques will require a second authorised signature for cheques over £10,000.

19.4 The detailed procedures for banking arrangements are set out in the Council's Treasury Management Procedural Document.

20. Cash Imprests

20.1 The Head of Finance shall provide such cash imprest advances as considered appropriate for such Officers as may need them to meet the requirements of petty cash and other expenses. Such cash imprests shall be maintained by the Imprest System which is managed by the Financial Accountant. Reinstatement of the cash imprest balance shall be done to a frequency determined by the Financial Accountant.

20.2 No income received may be paid into a cash imprest, but must be banked or paid to the authority as provided for elsewhere in these regulations.

20.3 Payments from cash imprests shall be limited to minor items of expenditure and to such other items as the Head of Finance may approve, and shall be supported by a receipt wherever possible.

20.4 An Officer responsible for a cash imprest shall, if and when requested, give the Head of Finance a certificate as to the state of the imprest. Such a certificate must be provided at the close of business on the last working day of the financial year.

20.5 On leaving the employment of the Council or otherwise ceasing to be entitled to hold a cash imprest, an Officer shall account to the Head of Finance for the state of the imprest.

21. Credit Cards

21.1 The Head of Finance shall approve the issue of credit cards as considered appropriate for such Officers as may need them to meet the requirements of their Service Area. Such credit cards shall be maintained and managed by the Payments Manager.

21.2 Payments using Credit Cards shall be on occasions when no other form is acceptable/practical, there are significant savings available and for such other items as the Head of Finance may approve, and shall be supported by a receipt wherever possible, and shall be subject to the same controls and authorisation procedures as all other purchase ordering processes.

21.3 An Officer responsible for a credit card shall, upon the receipt of the monthly statement, provide a breakdown of the expenditure contained within it to the Head of Finance.

21.4	On leaving the employment of the Council or otherwise ceasing to be entitled to hold a credit card, an Officer shall return the card immediately to the Head of Finance for cancellation.

## 22.	Property Register

22.1	The Head of Finance, or his/her nominee, shall maintain a register of all land and heritable properties owned or leased by the Council in a form designed to meet all internal and external requirements for such information, including the best value requirement to ensure that best use is made of Council assets.

22.2	The Head of Legal and Administration shall have the custody of all title deeds and lease documents, and shall ensure their security.

## 23.	Stocks and Stores

23. 1	Each Senior Officer shall be responsible for the care of stocks and stores in his/her Department/Service.

23.2	Stocks shall not be in excess of normal requirements except in special circumstances with the approval of the Head of Finance.

23.3	Senior Officers shall arrange for periodic test examinations of stocks by persons other than the regular storekeepers, and shall ensure that all stocks are recorded and reconciled at least once a year.

23.4	The Head of Finance shall be entitled to receive from each Senior Officer such information as is required in relation to stores for accounting, costing and financial records.

## 24.	Security

24.1	Each Senior Officer is responsible for maintaining property security at all times for all buildings, inventories, stocks, stores under his/her control. He/she shall consult the Head of Finance in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.

24.2	Maximum limits for cash holdings shall be agreed with the Head of Finance and shall not be exceeded without his/her express permission.

24.3	Keys, combinations and other means of securing safes and similar receptacles are to be kept secure in the possession of the person responsible at all times, and any loss of such security must be immediately reported to the Head of Finance.

24.4	All Senior Officers shall be responsible for maintaining the proper security and privacy of all information held, whether by computer or otherwise, in their Departments.

## 25.	Authorised Signatories

25.1 The procedures for establishing and recording authorised signatories are maintained by the Head of Finance, and detailed guidance can be obtained from the Financial Accountant.

26. Prevention and Detection of Fraud and Corruption

26.1 The detailed procedures for the prevention and detection of fraud and corruption are set out in the Council's Strategy for the Prevention and Detection of Fraud and Corruption.

27. Protection of Private Property

27.1 The Heads of Community Care and Children's Services shall notify the Head of Finance in such form as he/she may require of any case known to him/her where steps are necessary to prevent or mitigate loss or damage of movable private property and private cash, and shall forward to the Head of Finance an itemised inventory which is prepared in the presence of two officers.

27.2 All valuables such as cash, jewellery, watches and other small articles of a similar nature and documents of title shall, unless in any case otherwise decided by the Head of Finance, be deposited with him/her for safe custody.

28. Glossary

28.1 This Glossary will be expanded on the Council's Intranet in response to any calls to the Head of Finance for definition of terms used in these Financial Regulations.

Budget Responsible Officer (BRO): an officer directly responsible for the creation, monitoring and control of a budget approved by the Council.

Capital Expenditure: expenditure which relates to the acquisition of a material asset, or expenditure which adds to, or enhances, and not merely maintains the value of such an asset, provided that the asset is of value to the authority for greater than one year.

Senior Officers: all Service Managers, Heads of Service, Executive Directors and Chief Executive

Project Responsible Officer (PRO): a Budget Responsible Officer with direct responsibility for a particular project, usually (but not always) a capital project.

Relevant Percentage: the percentage of the pre-tender estimate that can be used by a PRO to decrease the specification of a procurement to bring it within budget following the tender exercise, or can be used at the discretion of the Head of Finance increase the budget to cover the tendered amount.

Revenue Expenditure: expenditure which relates to the acquisition of goods and services from employees and outside suppliers which are only of value to the Council in the current financial year (i.e. revenue expenditure does not relate to the acquisition of material assets of value to the authority for greater than one year).

- 30 -

Ref: GJ/DS/Regs   Date: 15 October 2008

s/Reports2008/F-030-AppA

Shetland
Islands Council

REPORT

To:	**ICT Management Board**	**9th October 2008**
	Shetland Islands Council	**22nd October 2008**

From: **ICT Unit Manager**

Report No: CE-46-F

Annual ICT Infrastructure Capital Budget

1. Introduction

1.1   This report details the budget requirements for ICT Infrastructure from 2009 through 2014; and specifically for financial year 2009/10.

1.2   Detailed budget descriptions are provided as appendices for each of the component parts of this budget, namely:-

     1.2.1   PC/LAN
     1.2.2   Photocopiers
     1.2.3   Schools ICT
     1.2.4   SPSnet (Shetland Public Sector network)

2. Links to the Corporate Priorities

2.1   ICT Infrastructure is fundamentally provided to enable efficient working.

2.2   It will also help to promote living and working in remoter areas of Shetland by establishing Council network connections in most areas. These can then be used by Council staff to access central resources, see map in section 4 for area of coverage.

2.3   Providing access to central computer resources in remoter areas may help decrease employee travel time and cost.

3. Background

3.1   Historically, the ICT Infrastructure budgets were funded as "rolling" programmes. In practice this meant that the budgets tended to be approved year on year.

3.2   Changes to the CPRT method in 2007 meant that each budget had to be submitted separately as an "annual" project. This meant there was much greater scrutiny on each of the project bids. For 2008/09, in line with all other Council

rolling programmes, only 72% of the requested budgets were approved for ICT projects, as shown below:-

Budget (£'000')	2008/09 Bid (£'000')	2008/09 Actual(£'000')
PC/LAN	236	171
Photocopiers	75	71 (including £20K additional in 2007/08)
Schools ICT	276	214 (including £50K additional in 2007/08)
SPSnet	295	295
TOTAL	872	751

* The "additional" amounts in 2007/08 were from slippage of other non-ICT Capital projects in 2007/08.

3.3   The exception was the network budget (SPSnet) which had the full budget approved to accommodate an ambitious upgrade programme to accommodate Pathfinder and the IP Telephony project.

3.4   In September 2008, concerns about the way Capital projects were prioritised meant that this scheme was changed to allow elected members much greater input into the prioritisation process.

3.5   As the ICT Unit does not have a services committee to report to, this paper is required to be submitted to Shetland Islands Council.

4.   ICT Infrastructure Requirements for 2009-2014

4.1   The budget justification is presented in the form of PIDs (Project Initiation Documents) for the 4 component parts of the budget in the appendices. PIDs are the standard format for project justifications for ICT projects.

4.2   It must be noted that none of these component projects can be prioritised higher or lower than the other. They are all dependant on each other (for example desktop computers won't function properly without the network) and are therefore being presented as component parts of the overall ICT Infrastructure funding bid.

4.3   PIDs present the justification for projects from several different perspectives; and define the project governance arrangements. For ease of reference the key "business case" for each component project is copied below.

    4.3.1   PC/LAN business case excerpt

        4.3.1.1   Some software licenses (e.g. Microsoft CoreCAL) must be upgraded to be able to use core mission critical software (e.g. E-Mail).

4.3.1.2 The maintenance of an up to date equipment base, with reliable hardware and compatible software is essential to the business of the SIC. Users struggling with slow, unreliable PCs, with old versions of software, cannot deliver best value in their work.

4.3.1.3 If we do not do this, it is anticipated that every year 20% of our equipment will start to fail, and we will be unable to replace it.

4.3.1.4 Using ICT resources to maintain old, failing equipment, which is beyond economic repair, is not an efficient use of staff time, and is therefore not best value.

4.3.1.5 Not upgrading client operating systems and application software periodically will result in these becoming unsupported and the resultant essential upgrade work may be far more expensive in terms of money, staff time and disruption to service.

4.3.2 Photocopier Replacement business case excerpt

4.3.2.1 Reliable, cost effective copying and printing will continue to be necessary to the council for the foreseeable future – the paperless office has not yet arrived.

4.3.2.2 Purchasing copiers through Catalyst means considerable savings on either purchasing or leasing machines from other sources. In the past many departments have 'gone it alone' either buying or leasing copiers from their own budgets.

4.3.2.3 Incorporating copiers into the scope of ICT provision means that proper consideration can be given to getting the best use of the equipment as a network resource.

4.3.3 Computers for Schools business case excerpt

4.3.3.1 The primary benefit to the business of the Council is to provide and maintain a reliable ICT infrastructure in schools, which allow us to take advantage of innovative learning and teaching technology, communications and information systems

4.3.3.2 It is important for each school to meet or exceed the SEED pupil/computer ratio, and in addition maintain the current level of provisioning. This project forms the backbone of the funding used to achieve this

4.3.3.3 Without a reliable and modern ICT infrastructure schools will be unable to deliver the curriculum using systems such as Glow. As more and more resources are made available through eLearning we have to ensure that all schools have a suitable platform to make use of it

4.3.3.4 Delivering learning through ICT has a particular benefit to remote communities such as Shetland, allowing interaction with other learners throughout the world.

4.3.4 SPSnet network business case excerpt

4.3.4.1 Providing a cost effective, fit for purpose ICT network enables staff and members to work efficiently through the use of technology.

4.3.4.2 In line with all other ICT equipment the network infrastructure has to be replaced on a 5-year rolling programme. Failure to maintain the network would result in disruption to Council Services,

increased ICT service downtime, increased support costs, and staff and public frustration.

4.3.4.3 Pathfinder is providing the Council with an opportunity to link up remote sites and enables data sharing and security across the network.

4.3.4.4 The use of IP Telephony is providing revenue savings on telephone services as well as providing a system that is scalable, flexible and user friendly.

4.3.4.5 A centralised network allows for efficient data sharing and backup, allowing secure day to day operation of systems. It also allows the Council to meet Modernising Government initiatives such as single shared assessments with the local Health Authority, Police service and other Public Sector Organisations.

4.3.4.6 Home/Remote working is a Council aim that can be achieved if the network is maintained and upgraded as detailed in this document. Video conferencing facilities can enhance the experience of home working and can allow for revenue savings to be achieved as staff and members may no longer have to travel to all meetings.

5. Financial Implications

5.1 The Capital budget requirement for 2009/10 is £890,000

5.2 As this is an on-going annual requirement, the total projected budget for the next 5 years is shown below.

All figures (£'000')	2009/10	20010/11	20011/12	20012/13	20013/14
PC/LAN	257	278	203	257	202
Photocopiers	75	75	75	75	75
Schools ICT	261	395	395	395	395
SPSnet	297	251	238	250	256
TOTAL	£890	£994	£911	£977	£928

6. Policy and Delegate Authority

6.1 There is no delegated authority for new ICT projects.

6.2 Report CPS-12-08-F, minute reference 122/08, from 10th September 2008, require that Service Committees prioritise projects for further deliberation by full Council. As there is no Services Committee for ICT projects, this report is being presented to full Council.

7.   Conclusion

7.1   The ongoing maintenance of a cost effective, fit for purpose ICT Infrastructure is fundamental to the efficient operation of the Council.   Schools rely on computers for learning and teaching much of the curriculum– it is no longer just for teaching ICT or business studies. Mission critical systems such as email, telephones and file and print services are wholly dependant on ICT functioning reliably and effectively.

7.2   The overall asset of ICT equipment is worth aver £4.5 million and, in line with other Council assets, has to be maintained. Typically, ICT is obsolete within 5 years and therefore must be replaced on a 5 year rolling programme.

8.   Recommendations

I recommend that Council:-

8.1   Gives consideration to the budget requirements for ICT Infrastructure when prioritising the Capital budget for 2009/10.

Date: 14 October 2008
Our Ref: SM/DH   Report No: CE-46-F

Shetland
Islands Council

Information & Communications Technology

Project Initiation Document (PID)
(Version 14)

PC & LAN Rolling Programme
2009-14

Version 1.0

1. Project Initiation Document Sign-off Form

**Project Initiation Document
Minor ICT Project**

Project Authorisation Sign Off

We accept this Project Initiation Document as superseding all previous documents and authorise the project to go ahead.

Project Authorisation	Name	Approved Date
Senior Executive	Head of Service	Morgan Goodlad
Senior Business	Service Manager	Graham Johnson
Senior Technical	Stuart Moncrieff, ICT Unit Manager	Stuart Moncrieff

2. Project Brief	

Background:	The ICT Unit currently purchase all ICT equipment for the SIC, and are responsible for maintaining the hardware, software and infrastructure in a cost effective, fit-for-purpose condition. PCs are replaced on a 5 yearly cycle, laptops 4 yearly. Printers vary depending on use, but normally no longer than 5 years. Servers need replacing on a regular basis, every 5 years. Software also needs to be licensed and upgraded. For 2008/09 we estimated the budget required to be £236,000. In line with other rolling programmes CPRT authorised 72%, £171,184. We currently envisage this budget to be fully spent by January 2009. During this financial year, we have taken advantage of a Procurement Scotland contract to supply Local Government bodies with very competitively priced computers. The new Lenovo PC's are significantly cheaper than the HP Units previously purchased, which has helped to offset the 28% cut in the PC LAN budget this year. It is early days in the life of these new machines but as yet, we have had no performance or reliability issues. Due to the volatility of the financial markets and doubts over whether Lenovo can maintain these loss leader prices, the budget estimates have been factored accordingly. The ICT Unit currently has equipment in 97 distinct corporate sites around Shetland. These sites have been put into a site refresh project plan. The plan works on a 5 year cycle to guarantee the site is visited and it is equipment is kept up to current ICT standards. This plan can be viewed on the Intranet at: http://www.sic.gov.uk/services/ict-unit/ICT-Sitesandscheduleofvisits.asp
Objectives:	List what the project is to achieve:- • To ensure that the SIC computer equipment is up to date and fit for purpose, with cost effective, reliable equipment running current versions of software.
Scope	List what is to be included in the scope and what is to be excluded:- Within Scope • PCs and laptops • Printers • File and Print Servers • Operating system software • Client Application software • Other peripherals e.g. Scanners, DVD Writers, Graphics Adapters, Telephony equipment.

	<u>Outwith Scope</u> • Normally project related hardware and software, e.g. for the Box Office system, or the Risk Management system is budgeted within the project. • Network infrastructure (funded by the SPSnet Project) • Schools equipment (funded by the School ICT Budgets project) • IP telephony project. • Replacement application servers.
Business Case	List the benefits to the business of the Council • Some software licenses (e.g. Microsoft CoreCAL) must be upgraded to be able to use core mission critical software (e.g. E-Mail). • The maintenance of an up to date equipment base, with reliable hardware and compatible software is essential to the business of the SIC. Users struggling with slow, unreliable PCs, with old versions of software, cannot deliver best value in their work. • If we do not do this, it is anticipated that every year 20% of our equipment will start to fail, and we will be unable to replace it. • Using ICT resources to maintain old, failing equipment, which is beyond economic repair, is not an efficient use of staff time, and is therefore not best value. • Not upgrading client operating systems and application software periodically will result in these becoming unsupported and the resultant essential upgrade work may be far more expensive in terms of money, staff time and disruption to service. Links to Corporate Plan (if appropriate) • Efficient service delivery
Constraints:	List any constraints on the project (e.g. Budget, timescales, objectives). • Finite ICT Unit resources mean that work has to be spread out over a number of years. • PC market place is currently split between the SME and home market, which has adopted Vista/Office 2007 while the corporate market place has tended to remain with XP/Office 2000/2003.
Customers:	List the customers of the project and estimate numbers:- • All SIC staff and elected members who use the computer equipment.
Volumes	Estimate the number of key transactions and other volumetrics for this project:- • Approximately 1100 corporate users
Deliverables:	Over the next five years, the following will be delivered:-

	- PC's, Laptops and Printers. - File and print servers, or implementation of SAN - Maintain latest versions of anti virus client software on all computers. - New/Replacement miscellaneous equipment as necessary, e.g. Scanners, RAM, Graphics Adapters, etc.
Risk Analysis:	List the risks associated with this project (the things which could cause the project to fail). Estimate the risk in terms of probability and impact on a scale of 1 to 5, where:- 1 is very low 2 is low 3 is average 4 is high 5 is very high <table><tr><td>Description of Risk</td><td>Prob (1-5)</td><td>Impact (1-5)</td><td>Risk (Prob x Impact)</td></tr><tr><td>Ongoing budget cuts force delay in equipment refresh, having a detrimental effect on service delivery</td><td>3</td><td>4</td><td>12</td></tr><tr><td>Computer Hardware/Software becomes more expensive to purchase. (Recent months have seen Cisco and Microsoft raise prices across the board by over 10%)</td><td>2</td><td>4</td><td>8</td></tr><tr><td></td><td></td><td></td><td></td></tr></table> As this is the work in which ICT specialise on a day to day basis, the risk is not in doing the work. The risk is in not maintaining an up to date set of computer equipment and software.
Assumption	List any assumptions made (e.g., resources will be made available, technology will work etc):- - SIC will move to Microsoft Vista and Office 2007 - Technology will not change radically in the next 5 years
Resourcing:	Estimate staff resources that will be required to successfully implement the entire project. ICT Unit staff
Impact on Building Services	List expected input required from Building Services. This could include network points, power points, associated builders works, and any need for building warrants.

	• None. Has this been discussed with Building Services Y/**N**? Has the work been formally agreed with Building Services Y/**N**? Have timescales for Building Services work been incorporated into the Project Plan Y/**N**? Building Services Work Order Number _____
Internal Audit Involvement	Does this project involve any financial or other implications which means that Internal Audit ought to be involved? Explain below:- • None Has this been discussed with Internal Audit Y/**N**? What level of involvement has been agreed with Internal Audit **None**/ Project Board / Project Team / Other Please explain level of involvement:- • None
Network Strategy	List impact on the network or any expectations of network requirements:- • None
Related Projects	List any projects, or parts of other projects, which have to be successfully completed before this project can be started/completed, and explain:- • SPS Net List any projects which will require this project, or parts of this project, to be completed before other projects can be started/completed, and explain:- • None
ICT Security	List any issues for ICT Security, associated with this project:- • ICT provision will comply with existing security policy
Data Protection	Does this project involve personal data or are there any other implications under Data protection? Explain below:- • Has this been discussed with Legal Y/N? Please explain level of involvement:- •

Server Requirements	Describe any requirements for environmentals (including air-conditioning, rack space, access) and power requirements (including UPS and generators) required for this project:- • As appropriate Where will servers be located:- • ICT Unit How will backups be carried out, estimate data volumes:- • Enterprise Backup Solution.
Environment and Sustainability	List any potential environmental impact issues and steps taken to alleviate these and promote sustainability (in terms of both environmental sustainability and socio-economic sustainability):- • Compliant with WEEE directives. • ICT Unit equipment disposal procedures minimise environmental impact.
Acceptance Test Plan	Will a formal acceptance test plan be produced for this project? (Yes/**No**) Reason: All equipment checked on delivery and prior to installation. If a formal acceptance test plan is to be produced, please give details:-
Budget:	Detail Budget Sources

Items Required	5 Year Quantity	Current Unit Price	5 Year Total
PC's	700	400	280,000
Laptops	400	400	160,000
Printers	200	250	50,000
File & Print Servers or SAN Replacement +	12	10,000	120,000
Scanners, RAM, Graphics Adapters and			50,000
Microsoft Application Licences - Office 2007	1100	275	302,500
Microsoft CoreCal Licences (3 Yr			54,720
Microsoft Vista Licences	500	150	75,000
Client security software licenses			50,000

Client security software licenses	50,000
TOTAL	**£1,142,220.00**

Items Required	Year 1	Year 2	Year 3	Year 4	Year 5
PC's	56000	56,000	56000	56,000	56000
Laptops	32000	32,000	32000	32,000	32000
Printers	10000	10,000	10000	10,000	10000
File & Print Servers or SAN Replacement + Software licences	24000	24,000	24000	24,000	24000
Scanners, RAM, Graphics Adapters and other ICT stock items	10000	10,000	10000	10,000	10000
Microsoft Application Licences - Office 2007	60500	60,500	60500	60,500	60500
Microsoft CoreCal Licences (3 Yr Agreement)	54,720	0	0	54,720	0
Microsoft Vista Licences	0	75,000	0	0	0
Client security software licenses	10,000	10,000	10,000	10,000	10,000
TOTALS	**257220**	**277500**	**202500**	**257220**	**202500**

3.   Organisation and Reporting Structure

ROLES		NAMES OF STAFF
Project Board	**Senior Executive**	Morgan Goodlad (as chairman of ICTMB)
	Senior Business	Graham Johnson
	Senior Technical	Stuart Moncrieff, ICT Unit Manager
Project Manager		Steven MacLean
Project Team	**Business Assurance**	ICT Unit Staff
	User Assurance	SIC Users
	Technical Assurance	ICT Unit Staff
	Other Implementation Team Members	ICT Unit Staff

Reporting:	The Project Manager will report to the Project Board. The Project Manager will have overall responsibility for the project and ensuring that all aspects of the projects are carried out to plan, on time, within budget and that all deliverables are achieved. Minutes must be taken of all Project Board meetings.
Limits of Authority:	The Project Board must authorise any changes from the PID or the scope of the project. Any changes must be documented. Fundamental changes to the project will require a complete review of the PID (e.g. this is normal when moving from PID version 1.0 to 2.0). Other changes should be documented in the Project Board minutes. Normally changes to the project must be authorised at a board meeting. However, where this is impractical, authority may be granted by email but the changes must be ratified at the next board meeting. Such exceptions must be discussed and agreed in advance with the ICT Unit Manager.

4.   Products

Management Statement
Explain how success of the project will be managed:-

Management Products	Planned (Y/N)	If not planned, please state reason
Signed off PID	Y	
Operations Handover documents	N	
Post Implementation Review	N	

Quality Statement

Explain how success of the project will be ensured:-

Quality Products	Planned (Y/N)	If not planned, please state reason
Proposed Solution	N	
ICT Briefing Session	Y	

Technical Products

Technical products have been listed in the Deliverables section.

Shetland
Islands Council

Information & Communications Technology

Project Initiation Document (PID)
(Version 14)

[Photocopier Replacement]
[Version 1.0]

1.	Project Initiation Document Sign-off Form

Project Initiation Document
Minor ICT Project

Project Authorisation Sign Off

We accept this Project Initiation Document as superseding all previous documents and authorise the project to go ahead.

Project Authorisation	Name	Approved Date
Senior Executive	Head of Service	Graham Johnson
Senior Business	Service Manager	Shona Thompson
Senior Technical	Stuart Moncrieff, ICT Unit Manager	Stuart Moncrieff

2.	Project Brief

Background:	In 2006, the lease on 90 Toshiba copiers provided by Norcom ended. The SIC bought out the lease of these copiers, and a report to council (Minute Reference CE-11-F, Mar 2006) approved a budget of £210,000 in 2006-2007 and £75,000 in subsequent years to replace copiers on a rolling programme. Furthermore, it was decided to centralise the procurement of photocopiers in the ICT Unit, as modern copiers are simply networked peripherals providing print, scan and fax capabilities. The report also sought approval to purchase through Catalyst rather than go out to tender, and this was granted. Buying Xerox copiers through Catalyst has led to significant savings, as much as 50% of the list price of the copiers. Changes to Capital Projects mean that we need to re-establish authorisation for the Photocopier Replacement Programme annually. The Council has 125 photocopiers, therefore on a 5 Year rolling programme we would envisage replacing 25 Photocopiers per annum at an average cost per copier of £3000.
Objectives:	List what the project is to achieve:- • To ensure that staff in the Council have access to cost effective, fit for purpose facilities for their photocopying needs. • To make use of multifunction copiers to reduce the proliferation of printers around the Council. • To reduce the cost of photocopying/printing.
Scope	List what is to be included in the scope and what is to be excluded:- Within Scope • All Council photocopiers Outwith Scope • The three high volume machines, two in Admin, one in the Anderson High School. (Separate contract in place)
Business Case	List the benefits to the business of the Council • Reliable, cost effective copying and printing will continue

	to be necessary to the council for the foreseeable future – the paperless office has not yet arrived. • Purchasing copiers through Catalyst means considerable savings on either purchasing or leasing machines from other sources. In the past many departments have 'gone it alone' either buying or leasing copiers from their own budgets. • Incorporating copiers into the scope of ICT provision means that proper consideration can be given to getting the best use of the equipment as a network resource. Links to Corporate Plan (if appropriate) • Efficient service delivery
Constraints:	List any constraints on the project (e.g. Budget, timescales, objectives). • Services may have previously unidentified ad-hoc independent photocopying contracts that have to be assimilated within these budgets.
Customers:	List the customers of the project and estimate numbers:- • All office based SIC staff.
Volumes	Estimate the number of key transactions and other volumetrics for this project:- • Approximately 25 machine installs per annum.
Deliverables:	List the deliverables of the project (e.g. A working system, trained users):- • Efficient cost effective photocopying provision around the Council.
Risk Analysis:	List the risks associated with this project (the things which could cause the project to fail). Estimate the risk in terms of probability and impact on a scale of 1 to 5, where:- • 1 is very low • 2 is low • 3 is average • 4 is high • 5 is very high <table><tr><td>Description of Risk</td><td>Pro</td><td>Impa</td><td>Risk</td></tr><tr><td>None – Straightforward proven</td><td></td><td></td><td></td></tr></table>

	technology			

	The risk with this project would be in not replacing old ineffective photocopiers as the technology has moved on allowing the Council to better utilise these resources.
Assumption	List any assumptions made (e.g., resources will be made available, technology will work etc):- • All departments will source copiers through ICT.
Resourcing:	Estimate staff resources that will be required to successfully implement the entire project. • ICT Unit Staff.
Impact on Building Services	List expected input required from Building Services. This could include network points, power points, associated builders works, and any need for building warrants. • None. Has this been discussed with Building Services Y/**N**? Has the work been formally agreed with Building Services Y/**N**? Have timescales for Building Services work been incorporated into the Project Plan Y/**N**? Building Services Work Order Number _____
Internal Audit Involvement	Does this project involve any financial or other implications which means that Internal Audit ought to be involved? Explain below:- • None Has this been discussed with Internal Audit Y/**N**? What level of involvement has been agreed with Internal Audit None/ Project Board / Project Team / Other Please explain level of involvement:- • None
Network Strategy	List impact on the network or any expectations of network requirements:- • None.
Related Projects	List any projects, or parts of other projects, which have to be successfully completed before this project can be

	started/completed, and explain:- • SPSNet (Networked Photocopiers require network facilities). List any projects which will require this project, or parts of this project, to be completed before other projects can be started/completed, and explain:- • None
ICT Security	List any issues for ICT Security, associated with this project:- • None.
Data Protection	Does this project involve personal data or are there any other implications under Data protection? Explain below:- • None. Has this been discussed with Legal Y/**N**? Please explain level of involvement:- • None.
Server Requirements	Describe any requirements for environmentals (including air-conditioning, rack space, access) and power requirements (including UPS and generators) required for this project:- • None. Where will servers be located:- • N/A How will backups be carried out, estimate data volumes:- • N/A
Environment and Sustainability	List any potential environmental impact issues and steps taken to alleviate these and promote sustainability (in terms of both environmental sustainability and socio-economic sustainability):- • Rationalisation of printers from around the Council with the installation of these copiers is an environmentally sound approach, and conforms with the Corporate Plan.
Acceptance Test Plan	Will a formal acceptance test plan be produced for this project? (Yes/**No**) Reason:

	If a formal acceptance test plan is to be produced, please give details:-
Budget:	Detail Budget Sources 125 Photocopiers over 5 years = 25 per year at £3000 per unit = £75000 per year.

3. Organisation and Reporting Structure

ROLES		NAMES OF STAFF
Project Board	**Senior Executive**	Graham Johnston
	Senior Business	Shona Thompson, Jim Grant
	Senior Technical	Stuart Moncrieff
Project Manager		Steven MacLean
Project Team	**Business Assurance**	ICT Unit Staff
	User Assurance	SIC staff as appropriate
	Technical Assurance	ICT Unit Staff
	Other Implementation Team Members	ICT Unit Staff

Reporting:	The Project Manager will report to the Project Board. The Project Manager will have overall responsibility for the project and ensuring that all aspects of the projects are carried out to plan, on time, within budget and that all deliverables are achieved. Minutes must be taken of all Project Board meetings.
Limits of Authority:	The Project Board must authorise any changes from the PID or the scope of the project. Any changes must be documented. Fundamental changes to the project will require a complete review of the PID (e.g. this is normal when moving from PID version 1.0 to 2.0). Other changes should be documented in the Project Board minutes. Normally changes to the project must be authorised at a board meeting. However, where this is impractical, authority may be granted by email but the changes must be ratified at the next board meeting. Such exceptions must be discussed and agreed in advance with the ICT Unit Manager.

4. Products

Management Statement
Explain how success of the project will be managed:-

Management Products	Planned (Y/N)	If not planned, please state reason
Signed off PID	Y	
Operations Handover documents	N	
Post Implementation Review	N	

Quality Statement

Explain how success of the project will be ensured:-

Quality Products	Planned (Y/N)	If not planned, please state reason
Proposed Solution	N	
ICT Briefing Session	Y	

Technical Products
Technical products have been listed in the Deliverables section.

Shetland
Islands Council

Information & Communications Technology

Project Initiation Document (PID)
(Version 14)

[Schools ICT Budget]
[Version 0.1,]

1.	Project Initiation Document Sign-off Form

Project Initiation Document
Minor ICT Project

Project Authorisation Sign Off

We accept this Project Initiation Document as superseding all previous documents and authorise the project to go ahead.

Project Authorisation	Name	Approved Date
Senior Executive	Morgan Goodlad	
Senior Business	Graham Johnston Hazel Sutherland	
Senior Technical	Stuart Moncrieff, ICT Unit Manager	

2.	Project Brief

Background:	In February 2003 a rolling schools ICT equipment project (Computers for Schools) was approved by Shetland Islands Council to provide a formal mechanism to replace ageing ICT equipment, and to meet and maintain Scottish Executive minimum targets for pupil/computer ratios (which applies to computers four years old or less, and is currently seven pupils per computer in primary and four pupils per computer in secondary). Providing these targets were met and any essential infrastructure work was carried out, it was agreed that individual school management teams – in consultation with the ICT Unit – could determine how to spend their allocation dependant on their local needs and requirements. The Computers for Schools project was implemented primarily for computer hardware and associated peripherals such as printers, etc., but also covered items such as interactive whiteboards, data projectors, digital cameras and software. Revenue items such as consumables were specifically excluded form this budget, as were any furniture and fitting of equipment such as whiteboards. School use of ICT has changed considerably over the last few years, from being primarily a tool to teach specific subjects such as IT and Business Studies to an essential resource used extensively throughout the curriculum. It is essential that a reliable ICT infrastructure is in place to enable teachers to deliver lessons using up to date and fit for purpose equipment. The challenges now facing ICT in schools are the preparation for the imminent roll out of Glow, the migration to the Shetland Public Sector Network (SPSNet, which will also enhance wired and wireless security) and the roll out of IP Telephony. All three of these are dependant on high speed WAN links which will be delivered either via our own fibre and wireless links, or Pathfinder, and a solid, reliable ICT desktop infrastructure provisioned through this project and other external funding sources. The 2007/08 financial year saw the end of "rolling programme" ICT projects within Shetland Islands Council. The "Schools ICT Budgets" project has been initiated to secure funding for ICT equipment for schools for the next five years. The budget figure has been worked out through an inventory of all current ICT equipment in schools with a replacement based on the following criteria: • Desktop Computers: 4 year replacement cycle • Laptop Computers: 3 year replacement cycle • Servers: 5 year replacement cycle

	• Interactive Whiteboards: 7 year replacement cycle • Printers and other peripherals: 4 year replacement cycle • Digital Cameras / DV Cameras: 3 year replacement cycle The inventory snapshot includes all current school ICT equipment that falls within the replacement cycles listed above. The figures used for this are detailed in the Budget section below. In September 2005 Shetland Islands Council approved a new budget of £160,000 for AHS Computer Systems (GCX1026). In light of the plans to build a new AHS it seemed prudent to make funding available to the school at that time as it was unlikely that new equipment would be purchased in the last years of the old school. The funding was sourced from the Computers for Schools budget, reducing it by £40,000 in years 2006/07 to 2009/10 inclusive. The AHS was also awarded School of Ambition status, and part of the funding made available enabled the school to purchase 250 new laptop computers and 40 tablet computers. For these reasons the budget calculations below show figures including and excluding AHS ICT. In 2008/09 the Rolling Programme process was changed to the Capital Programme Method. The outcome of this process was that the Schools ICT budget was reduced from the original requested £276,000 to £213,931 in line with the percentage reductions for other Council rolling programmes. Largely due to delays with the Pathfinder project scheduled school network upgrades had to be curtailed which meant the reduced budgets were adequate (concentrated on desktop upgrades instead). However last years network upgrade still need to be done in forthcoming years.
Objectives:	List what the project is to achieve:- • Provision, upgrade and replacement of cost effective, fit for purpose computers and ICT equipment in schools.
Scope	List what is to be included in the scope and what is to be excluded:- Within Scope • Provision of computers meeting or exceeding the Scottish Executive pupil/computer ratio • Replacement of ageing computers and ICT equipment

	including servers and printers in the appropriate time scale • Provision of server and desktop operating systems appropriate to current curricular requirements, including application licenses • Provision of interactive whiteboards, digital projectors and associated equipment such as voting devices • Provision of other ICT equipment as agreed with the ICT Unit • Specialised ICT equipment for ASN/SEN • Provision of curriculum software where appropriate • Class-in-a-box trolleys and specifically made portable multi-computer installations such as "Hexacom" desks • Digital stills, video and VC equipment Outwith Scope • Any revenue items such as consumables (projector lamps, printer cartridges, toner and ink, paper, etc.) • Furniture and fittings unless expressly within scope • Fitting of interactive whiteboards, projectors, etc. • Building works to accommodate servers, workstations, etc. • Network cabling and electrical works. • Non ICT related hardware and AV equipment • Networking equipment including IPT devices provided through other projects (i.e. WAN Upgrade) •
Business Case	List the benefits to the business of the Council • The primary benefit to the business of the Council is to provide and maintain a reliable ICT infrastructure in schools, which allow us to take advantage of innovative learning and teaching technology, communications and information systems • It is important for each school to meet or exceed the SEED pupil/computer ratio, and in addition maintain the current level of provisioning. This project forms the backbone of the funding used to achieve this • Without a reliable and modern ICT infrastructure schools will be unable to deliver the curriculum using systems such as Glow. As more and more resources are made available through eLearning we have to ensure that all schools have a suitable platform to make use of it • Delivering learning through ICT has a particular benefit to remote communities such as Shetland, allowing interaction with other learners throughout the world. Links to Corporate Plan (if appropriate) • Create and maintain a culture where individual learners

	can strive to realise their full potential.
Constraints:	List any constraints on the project (e.g. Budget, timescales, objectives). • As the ICT Unit has finite resources the upgrade / refresh path of equipment must be spread over several years. The window of opportunity to refresh medium and large sites is restricted to holiday periods. • Pathfinder delays
Customers:	List the customers of the project and estimate numbers:- • All Shetland School Staff(e600), Pupils(e3800) and Adult Learners within schools
Volumes	Estimate the number of key transactions and other volumetrics for this project:- • 1100 laptops • 1100 PC's • 200 Whiteboards
Deliverables:	List the deliverables of the project (e.g. A working system, trained users):- • SEED pupil/computer ratios met or exceeded • Maintain current ICT provision in schools • An annual PID for each school identifying equipment requirements, deliverables and scope • Annual ICT Management meeting with each school to discuss requirements
Risk Analysis:	List the risks associated with this project (the things which could cause the project to fail). Estimate the risk in terms of probability and impact on a scale of 1 to 5, where:- • 1 is very low • 2 is low • 3 is average • 4 is high • 5 is very high

Description of Risk	Prob (1-5)	Impact (1-5)	Risk (Prob x Impact)
Ongoing budget cuts force delay in equipment refresh, having a detrimental effect on service delivery	3	4	12
Computer Hardware/Software becomes more expensive to purchase. (Recent months have seen Cisco and Microsoft raise prices across the board by over	2	4	8

60

	becomes more expensive to purchase. (Recent months have seen Cisco and Microsoft raise prices across the board by over 10%)			
	Summarise these risks and designate the project to be low, medium or high risk. And explain why.			
Assumption	List any assumptions made (e.g., resources will be made available, technology will work etc):- • It is assumed that there will be sufficient staff resources available to provision equipment purchased through this project, particularly with other major ICT undertakings such as IPT, Pathfinder and SPSNet • Budget figures are calculated on current prices. In the past the price trend for ICT equipment has been downwards, but now seems to have bottomed and in some cases, such as laptops, started to climb. It is assumed that no large price increases over the next few years will skew the estimated figures • There will not be a paradigm shift in the way ICT is used to deliver education: i.e. schools will require desktop and laptop computers as they do now. Some developing technologies such as the ultra portable/mobile PC's may change this in the future			
Resourcing:	Estimate staff resources that will be required to successfully implement the entire project. • ICT Unit staff • An individual PID will detail resources required for each school site			
Impact on Building Services	List expected input required from Building Services. This could include network points, power points, associated builders works, and any need for building warrants. • This project itself has no impact on Building Services, however any site-specific impact will be detailed in each schools PID Has this been discussed with Building Services Y/N? Has the work been formally agreed with Building Services Y/N? Have timescales for Building Services work been incorporated into the Project Plan Y/N? Building Services Work Order Number _____			

Internal Audit Involvement	Does this project involve any financial or other implications which means that Internal Audit ought to be involved? Explain below:- • Any equipment purchasing through this project will be subject to all relevant Council Standing Orders, policies and procedures Has this been discussed with Internal Audit Y/N? What level of involvement has been agreed with Internal Audit None/ Project Board / Project Team / Other Please explain level of involvement:- •
Network Strategy	List impact on the network or any expectations of network requirements:- • None. Any site-specific impact or expectations will be detailed in each schools PID
Related Projects	List any projects, or parts of other projects, which have to be successfully completed before this project can be started/completed, and explain:- • SPSNet List any projects which will require this project, or parts of this project, to be completed before other projects can be started/completed, and explain:- • Each schools annual ICT Allocation and upgrade project • Glow (The national schools virtual learning environment) • To a lesser extent, SPSNet, Pathfinder and IPT
ICT Security	List any issues for ICT Security, associated with this project:- • Any specific ICT Security issues will be identified in each schools PID •
Data Protection	Does this project involve personal data or are there any other implications under Data protection? Explain below:- • No Has this been discussed with Legal Y/N? Please explain level of involvement:- •
Server	Describe any requirements for environmentals (including air-

Requirements	conditioning, rack space, access) and power requirements (including UPS and generators) required for this project:- • Identified in each schools PID. Where will servers be located:- • How will backups be carried out, estimate data volumes:- •
Environment and Sustainability	List any potential environmental impact issues and steps taken to alleviate these and promote sustainability (in terms of both environmental sustainability and socio-economic sustainability):- • Compliant with WEEE directives • ICT Unit disposal procedures minimise environmental impact
Acceptance Test Plan	Will a formal acceptance test plan be produced for this project? (Yes/No) Reason: All equipment is checked on delivery and prior to installation If a formal acceptance test plan is to be produced, please give details:-
Budget:	Detail Budget Sources **A) Including AHS ICT** • Desktops Computers: 1100 units @ £400 • Laptop Computers: 1100 units @ £400 • Servers: 40 units @ £2,000 • Interactive Whiteboards: 200 units @ £2,500 • Printers / Scanners: 400 units @ £250 • Digital / DV Cameras: 100 @ £250 • Software Licences (£25,000) This does not include upgrades to Windows Vista or to Microsoft Office 2007 as this is an Education Service curriculum decision. Desktop Replacement (4 years): £110,000 p.a. Laptop Replacement (3 years): £147,000 p.a. Server Replacement (5 years): £16,000 p.a. Whiteboard Replacement (7 years): £72,000 p.a. Printers / Scanners (5 years): £20,000 p.a. Digital / DV Cameras (5 years): £5,000 p.a. Software Licences £25,000 p.a.

Total annual budget: £395,000

B) Excluding AHS ICT
- Desktops Computers: 750 units @ £400
- Laptop Computers: 750 units @ £400
- Servers: 36 units @ £2,000
- Interactive Whiteboards: 72 units @ £2,500
- Printers / Scanners: 350 units @ £250
- Digital / DV Cameras: 60 @ £250
- Software Licences (£25,000) This does not include upgrades to Windows Vista or to Microsoft Office 2007 as this is an Education Service curriculum decision.

Desktop Replacement (4 years): £75,000 p.a.
Laptop Replacement (3 years): £100,000 p.a.
Server Replacement (5 years): £14,400 p.a.
Whiteboard Replacement (7 years): £26,000 p.a.
Printers / Other (5 years): £17,500 p.a.
Digital / DV Cameras (5 years): £3,000 p.a.
Software Licences £25,000 p.a.

Total annual budget: £260,900

The current Computers for Schools budget does not include AHS until 2010/11, as they have already spent their budget for the previous 4 years in the expectation of the new school build. (minute reference F034-f, 14th September 2005)

Year	Budget
2009/10	£260,900
2010/11	£395,000
2011/12	£395,000
2012/13	£395,000
2013/14	£395,000
Total	**£1,840,900**

- The new-build AHS will require a separate project with separate budget for ICT

3. Organisation and Reporting Structure

ROLES		NAMES OF STAFF
Project Board	Senior Executive	Morgan Goodlad
	Senior Business	Graham Johnston Hazel Sutherland
	Senior Technical	Stuart Moncrieff, ICT Unit Manager
Project Manager		
Project Team	Business Assurance	ICT Unit staff / end users staff
	User Assurance	ICT Unit staff / end users staff
	Technical Assurance	ICT Unit staff /
	Other Implementation Team Members	ICT Unit staff / end users staff

Reporting:	The Project Manager will report to the Project Board. The Project Manager will have overall responsibility for the project and ensuring that all aspects of the projects are carried out to plan, on time, within budget and that all deliverables are achieved. Minutes must be taken of all Project Board meetings.
Limits of Authority:	The Project Board must authorise any changes from the PID or the scope of the project. Any changes must be documented. Fundamental changes to the project will require a complete review of the PID (e.g. this is normal when moving from PID version 1.0 to 2.0). Other changes should be documented in the Project Board minutes. Normally changes to the project must be authorised at a board meeting. However, where this is impractical, authority may be granted by email but the changes must be ratified at the next board meeting. Such exceptions must be discussed and agreed in advance with the ICT Unit Manager.

4. Products

Management Statement
Explain how success of the project will be managed:-

Management Products	Planned (Y/N)	If not planned, please state reason
Signed off PID		
Operations Handover documents	N	Any specific handover documents will be on an individual school basis and detailed in that PID
Post Implementation		Monitored through ICT Management Board

Review		

Quality Statement
Explain how success of the project will be ensured:-

Quality Products	Planned (Y/N)	If not planned, please state reason
Proposed Solution	N	This PID forms the proposed solution
ICT Briefing Session	Y	

Technical Products
Technical products have been listed in the Deliverables section.

Shetland
Islands Council

Information & Communications Technology

Project Initiation Document (PID)
(Version 14)

Shetland Public Sector Network (SPSNET)

Version 1.0

1.	**Project Initiation Document Sign-off Form**

**Project Initiation Document
Minor ICT Project**

Project Authorisation Sign Off

We accept this Project Initiation Document as superseding all previous documents and authorise the project to go ahead.

Project Authorisation	Name	Approved Date
Senior Executive	Morgan Goodlad, Chair of ICTMB	
Senior Business	Graham Johnston, ICTMB	
Senior Technical	Stuart Moncrieff, ICT Unit Manager	

2.	**Project Brief**

Background:	In 2008/09 the new SPSnet (Shetland Public Sector Network) budget was approved at £295,000. This was the first year of a 5-year cycle of budgets for maintaining the Council's networking infrastructure without which ICT services and systems cannot function. The reason we refer to the network as SPSnet is that, as well as providing infrastructure for Council offices, we also offer this to other Shetland Public Sector partners (including SHEAP, Market House, Charitable Trust, Shetland Arts, Shetland Recreational Trust etc).

This PID explains the purposes of the project and reviews the budget requirements for the next 5 years.

It is accepted in the ICT industry that all ICT requirements including processor speed, memory and communications increase in line with 'Moore's Law' (i.e. doubling every 18 months). The SPSnet budget is used to allow the Council to maintain its ICT infrastructure in line with these requirements and those of its users and also to stay in line with developments within the ICT industry.

This need to maintain our networks, to protect and secure our users and data and to enable our users to be unhindered by the ICT facilities available means that we must continue to invest in our network infrastructure. Failure to do this would result in an unreliable network. This would result in disruption to Council Services, increased ICT service downtime, increased support costs, and staff and public frustration.

It is an aim of the Shetland Islands Council to allow for Remote Working to encourage the movement of work away from Lerwick and into the Rural communities and these budgets have been used to start work on the infrastructure required to allow this to take place. This will become more relevant in time as all communities are tasked to reduce their carbon footprint. Excellent ICT communications are vital in allowing communities to meet these goals.

We also wish to identify an appropriate method of unifying all our current school networks and develop a migration plan for the moving of these schools onto the single unified network, which will enable real benefits of single sign-on, secure communications and other benefits which include enabling peripatetic staff to access files and documents anywhere within the Shetland-wide network.

Beyond this we see a real potential benefit for the Shetland Community in providing a network for all public sector buildings in Shetland and so reducing the overall infrastructure costs to |

	all involved.

These aims will be assisted over the next 5 years by the Scottish Executive funded project Pathfinder. This project is starting to deliver high bandwidth connections to public sector buildings in Shetland. As each site is connected, it will be possible to connect it to a single Shetland network, providing users with a single network sign-on and set of security credentials. This will provide a single point of management of the remote network sites throughout Shetland.

Centralised management functions include:
   • user account management;
   • access to server storage;
   • wireless access management;
   • IPT services administration;
   • anti-virus services;
   • web filtering;
   • Microsoft update services;
   • content delivery.

Additionally, in the Education sector, a national *Glow* portal is in development. This portal provides a national web-based learning and teaching environment and is also based around a single sign-on principle. SPSnet provides fast, secure, reliable access to Glow for school pupils and teachers. |
| **Objectives:** | • To describe an agreed strategic direction for the on-going provision of network facilities and ensure that there is sufficient funding to enable this.
• To provide a cost effective, fit for purpose network for Shetland, providing a secure and reliable communications infrastructure, which in turn will allow efficient service delivery and greater inter-working and sharing of data. |
| **Scope** | Within Scope

• Wide Area Network (WAN)
• Network Upgrade
• IP telephony infrastructure
• Centralised Network
• Integration with Pathfinder
• Secure Wireless Local Area Network (LAN)
• Home/Remote working
• Other Network facilities/services such as Video conferencing facilities
• Application Servers (email, financial management, payroll etc)
• Application software |

	• Backup systems Outwith Scope • PCs and laptops • Printers and photocopiers • Operating system software • Client software • Other Schools ICT equipment • File and Print facilities/servers • Other specific ICT projects
Business Case	Providing a cost effective, fit for purpose ICT network enables staff and members to work efficiently through the use of technology. In line with all other ICT equipment the network infrastructure has to be replaced on a 5-year rolling programme. Failure to maintain the network would result in disruption to Council Services, increased ICT service downtime, increased support costs, and staff and public frustration. Pathfinder is providing the Council with an opportunity to link up remote sites and enables data sharing and security across the network. The use of IP Telephony is providing revenue savings on telephone services as well as providing a system that is scalable, flexible and user friendly. A centralised network allows for efficient data sharing and backup, allowing secure day to day operation of systems. It also allows the Council to meet Modernising Government initiatives such as single shared assessments with the local Health Authority, Police service and other Public Sector Organisations. Home/Remote working is a Council aim that can be achieved if the network is maintained and upgraded as detailed in this document. Video conferencing facilities can enhance the experience of home working and can allow for revenue savings to be achieved as staff and members may no longer have to travel to all meetings. Links to Corporate Plan (if appropriate) • Efficient service delivery • Business continuity
Constraints:	• Sites can only become part of the unified network with a

	high capacity link to Garthspool. • Migration of existing networks will need to be performed out of hours to minimise disruption to users.
Customers:	• Shetland Islands Council Staff and Members • School pupils and staff • School library staff • Staff in other public sector sites • The general public with the future provision of a unified public access network and wireless 'hot-spots'
Volumes	Estimate the number of key transactions and other volumetrics for this project:- • 150 sites throughout Shetland
Deliverables:	The key deliverable of this project is a cost effective, fit for purpose ICT and telephony system which will include networked, fixed and wireless connections that comply with the Councils security policy. We must continue to invest in our network to protect and secure our users and data and enable our users to work unhindered by the ICT facilities available. We will also have available a unified network to which any Public Sector bodies can be linked so meeting the requirements of the Efficient Government initiatives. With Home/Remote Working available this can also enable the community at large to reduce it's total carbon footprint, reduce the centralisation of Council and other Public Sector working in Lerwick and assist in meeting the aspirations of 'Green Computing'.
Risk Analysis:	List the risks associated with this project (the things which could cause the project to fail). Estimate the risk in terms of probability and impact on a scale of 1 to 5, where:- • 1 is very low • 2 is low • 3 is average • 4 is high • 5 is very high

Description of Risk	Prob	Impact	Risk (Prob x
Budget cuts may force delay in equipment refresh, having a	3	4	12

	detrimental effect on service delivery			
	Computer Hardware/Software becomes more expensive to purchase. (Recent months have seen Cisco and Microsoft raise prices across the board by over 10%)	2	4	8
	As this is the work in which ICT specialise on a day to day basis, the risk is not in doing the work. The risk is in not maintaining an up to date set of computer equipment and software.			
Assumption	• Pathfinder will continue to deliver high speed network connections back to Garthspool for all linked sites			
Resourcing:	• Project manager • Suitable implementation team consisting of staff with experience of the different work streams involved in this project			
Impact on Building Services	• This project may require additional network cabling and re-positioning of points in a number of buildings. If a shortfall or movement of points is identified during the site surveys this work will then be completed by Building Services. Has this been discussed with Building Services Y̶/N Has the work been formally agreed with Building Services Y̶/N Have timescales for Building Services work been incorporated into the Project Plan Y̶/N Building Services Work Order Number _____			
Internal Audit Involvement	• Once implemented, Internal Audit will have the opportunity to assess and comment on the unified network infrastructure. • The proposed network will greatly improve ICT's ability to effectively manage user passwords, access rights, filtering in remote sites that are part of the network e.g. Shetland schools.			

	Has this been discussed with Internal Audit ~~Y~~/N

What level of involvement has been agreed with Internal Audit ~~None/ Project Board / Project Team~~ / Other

Please explain level of involvement:-

- Internal Audit has a watching brief on all ICT projects. |
| **Network Strategy** | - This project is key to the continued implementation of the agreed Council network strategy and the on-going provision of fit for purpose ICT facilities for Council staff and members and other Public Sector organisations. |
| **Related Projects** | Projects, or parts of other projects, which have to be successfully completed before this project can be started/completed:-

- Pathfinder
  Each site can only be incorporated in a unified network when it has sufficient high-bandwidth.

Projects which will require this project, or parts of this project, to be completed before other projects can be started/completed:-

- IPT
- Secure wireless access
- GLOW
- Education MIS
- PC & LAN
- Schools ICT |
| **ICT Security** | - The project involves creating a single active directory for all public sector sites. At all stages of the implementation, it must be ensured that security is maintained.
- Delegated access to limited areas and functions of active directory will need to be provided to some users out with ICT. This functionality will be built into the model from the outset. |
| **Data Protection** | Does this project involve personal data or are there any other implications under Data protection? Explain below:-

- ~~Yes~~ / No

Any implications will be managed by ensuring compliance |

	with Data Protection Policy, and by ensuring appropriate controls and information sharing procedures are in place. Has this been discussed with Legal Y/N? Please explain level of involvement:- • Legal Service will be involved as and when required.
Server Requirements	Describe any requirements for environmentals (including air-conditioning, rack space, access) and power requirements (including UPS and generators) required for this project:- • Space for the new and replacement routers, switches and servers will be required. • Rack space, air-conditioning and UPS facilities will be required at each site for this equipment. Where will servers be located:- • The main routers, switches, servers and domain controllers will be located at ICT • Secondary controllers will be located at each site.
Environment and Sustainability	List any potential environmental impact issues and steps taken to alleviate these and promote sustainability (in terms of both environmental sustainability and socio-economic sustainability):- • Home/Remote working • Compliant with WEEE directives • ICT Unit equipment disposal procedures minimise environmental impact
Acceptance Test Plan	Will a formal acceptance test plan be produced for this project? (Yes/No) Reason: If a formal acceptance test plan is to be produced, please give details:- Acceptance testing will be completed on a project-by-project basis
Budget:	Detail Budget Sources

SPSnet Funding (Replacement of WAN upgrade and Decentralised working budgets) (in £000)

Projects	2009/10	2010/11	2011/12	2012/13	20013/14	Total
1/ WAN//Pathfinder						
Council Fibre links	40	40	40	40	40	200

Council Fibre links	40	40	40	40	40	200
Council 5.8GHz Wireless	15	15	15	15	15	75
2/ Network Upgrade						
Routers	30	10	10	10	10	70
Switches	60	35	25	25	25	170
Cabling	10	4	3	3	3	23
Racks	20	10	5	5	5	45
UPS	10	5	3	3	5	26
3/ IPT Funded by IPT project						0
4/ Centralised Network Central comms servers (AD, web access and filtering, email filtering, antivirus + WSUS, firewalls (ASA), fortress but NOT file & print (PC/LAN + Schools ICT)						
Central Comms Servers	10	10	10	10	10	50
Software	20	20	20	20	20	100
5/ Application Servers Email, financial management, payroll, service based systems						
Servers	30	30	30	30	30	150
6/ Secure Wireless LAN						
Access Control/Radius Servers	1	3	1	1	1	7
Wireless LAN Controllers	15	8	8	8	10	49
WAPs	5	10	10	15	15	55
Wireless cards	2	0	0	0	0	2
7/ Home/Remote working						
VPN Clients	5	5	5	5	5	25
Software licences	4	6	8	10	12	40
Tele-working	5	5	5	5	5	25
8/ Other						
Videoconference facilities	5	25	30	35	35	130
Misc	10	10	10	10	10	50
	297	251	238	250	256	1292

3. Organisation and Reporting Structure

ROLES		NAMES OF STAFF
Project Board	Senior Executive	Morgan Goodlad
	Senior Business	Graham Johnston
	Senior Technical	Stuart Moncrieff, ICT Unit Manager
Project Manager		Sandy West
Project Team	Business Assurance	ICT Unit
	User Assurance	ICT Unit
	Technical Assurance	ICT Unit
	Other Implementation Team Members	ICT Unit

Reporting:	The Project Manager will have overall responsibility for the project and ensuring that all aspects of the projects are carried out to plan, on time, within budget and that all deliverables are achieved. The project manager will report to the Project Board
Limits of Authority:	The Project Board must approve any changes to the scope of this project.

4. Products

Management Statement
Explain how success of the project will be managed:-

Management Products	Planned (Y/N)	If not planned, please state reason
Signed off PID	Y	
Operations Handover documents	N	Sub projects will provide these
Post Implementation Review	N	This will be completed at Sub project stage, as appropriate.

Quality Statement
Explain how success of the project will be ensured:-

Quality Products	Planned (Y/N)	If not planned, please state reason
Proposed Solution	N	
ICT Briefing Session	Y	

Technical Products
Technical products have been listed in the Deliverables section.

Shetland
Islands Council

REPORT

To: **ICT Management Board**   **9th October 2008**
       Shetland Islands Council   **22nd October 2008**

From: **ICT Unit Manager**

Report No: CE-47-F

Replacement Planning System Project

1.   Introduction

1.1. This report seeks approval and capital funding for a project to replace the current Planning System, FastSuite by Innogistic, with a replacement system to be chosen through an EU procurement tender exercise.

2.   Background

2.1. FastSuite is a casework system used in the Planning Service for maintaining, monitoring and controlling the application process for Building Standards and Development Management.

2.2. The current system was chosen through a tender exercise in 1999 to replace a bespoke system that was developed in-house by the Planning Service.

2.3. FastSuite comprises of several core modules which are:

2.3.1. FastPlanning – used to administer planning applications for Development Management (Planning Control)

2.3.2. FastControl- used to administer applications for building control works, e.g. Building Warrants and notices.

2.3.3. FastGazetteer – used to manage address data.

2.3.4. FastMatch – used to match and cross reference address data sets to the main address list held in Gazetteer.

2.3.5. Geographical Information System (GIS) Integration - FastSuite integrates with Cartology DSI – which is a propriety GIS mapping tool supplied by Innogistic. The Council has subsequently tended to install a different mainstream GIS product called Mapinfo as a standard GIS mapping tool. The Planning Service had bespoke modifications to the Fast Planning and Control modules to allow them to work partially with the Mapinfo product. The FastGazetteer and FastMatch products do not currently integrate with Mapinfo.

2.4. The ability to view planning applications online was added to the Council's website in 2003. This was developed in-house by the ICT Unit and at the time the Council was promoted by other Local Authorities and the Scottish Executive as a champion of e-Planning. The award winning site consistently receives a high percentage of the main "hits" on the Council website and is used by Development Management to perform e-Consultation via E-mail to consultees.

2.5. The ability to query and view the Building Standards Register was added to the website in 2005.

2.6. In January/ February 2006 the Planning service signed up to be included as part of the Scottish Government National E-Planning Project, this involves all 32 local authorities in Scotland and 2 National Parks and currently consists of 4 main streams of work

    2.6.1.   OAA – Online Application and Appeals
    2.6.2.   OLP – Online Local Plans
    2.6.3.   OPIS – Online Planning Information System (Casework and Document Management System)
    2.6.4.   E-consultation.

2.7. The Council is involved in implementing the OAA and OLP streams, which are funded by the Scottish Government and run as a separate project, the OAA phase is currently scheduled to be live by March 2009 and the OLP phase by March by 2010.

2.8. Shetland Islands Council was an early pioneer in e-planning integrating the FastSuite back office system with the Council website to provide online access to information, documentation and plans and to facilitate the e-consultation process via email. To provide similar facilities many Scottish Local Authorities are building on their use of IDOX Uniform, via the e-planning OPIS stream, to provide the same functionality.

2.9. Therefore the Council is now in a position whereby, despite being an award-winning pioneer in the field of e-Planning, we are still the only Council who use FastSuite in Scotland and are now becoming increasingly isolated while IDOX Uniform is being adopted as de-facto standard for back office and e-planning provision in Scotland.

3. Progress to date

3.1. A Request for Information (RFI) exercise has been completed for estimated costs for a replacement system from the various suppliers that supply the Scottish Local Authority Market.

3.2. A Project Initiation Document (PID), attached as appendix A, has been written and approved by the e-Planning Project Board on the 24 September 2008.

4. Business Case

4.1. The existing planning system is nearly 10 years old and, despite being fit for purpose in it's time, now needs to be replaced.

4.2. Tendering and implementing a new system of this size typically takes up to 2 years, which would mean the current system in use by the Planning Service would be 11 years old by the anticipated go live date of April 2010.

4.3. The Planning System process is going through change in Scotland through the e-Planning Project and it is anticipated that more than half of all Local Authorities in Scotland will be using Uniform software for their "back office" system for Planning Building Control and Development Management. In total there are 4 main suppliers to the Scottish planning market place: IDOX Uniform, Plantec –Accolaid, CIVICA Authority and Northgate. Each of these suppliers responded to the RFI exercise.

4.4. The Council is the only user of the existing FastSuite system in Scotland. There are very limited options for future development of the system to correspond with the Scottish Planning system process, which is moving towards a full end-to-end electronic process.

4.5. In the Building Control service, the system is not used as designed, this is to accommodate the different functional, data and legislative requirements for the Scottish Building Control process. The Scottish Planning process is currently undergoing significant change via new legislation and the existing system will have to be used in a similar fashion to accommodate this. Therefore using the system is no longer efficient and becomes time consuming for staff.

4.6. A tender exercise is required to procure and implement a new system.

5. Financial Implications

5.1. The RFI exercise indicated that a capital budget of £150,000 is required to purchase a new system. This will be required in 2009/10.

5.2. Ongoing revenue costs are estimated at £20,000 and will be met by the Planning Service (ledger code SRY 8000 1663). This will be included as part of the current revenue budget estimating exercise.

6. Policy and Delegated Authority

6.1. There is no delegated authority for new ICT projects.

6.2. Report CPS-12-08-F, minute reference 122/08, SIC 10th September 2008, require that Service Committees prioritise projects for further deliberation by full Council. As there is no Services Committee for ICT projects, this report is being presented to full Council.

6.3. The project will comply with EU Procurement regulations and the Council's Standing Orders relating to Tenders and Contracts. The contract will be awarded on a Most Economically Advantageous Tender basis.

7. Links to Corporate Priorities

7.1. Efficient Service delivery.

7.1.1. Improve the efficiency of Planning Services in Shetland by being able to integrate to the Scottish e-Planning Portal for Online Applications and Appeals. This will allow for full end-to-end electronic process for submitting planning applications.

8. Conclusion

8.1. The existing Planning System is nearly 10 years old and needs to be replaced. Shetland Islands Council is the only user of this system in Scotland. In order to develop the service in line with other Scottish Local Authorities Planning Services it is necessary to procure and implement a mainstream system in use by other Scottish Local Authorities. This will require an EU tendering exercise to be carried out.

8.2. Recent changes to the way capital projects are prioritised in the Council require that this report be submitted to full Council.

9. Recommendations

I recommend that the Council :-

9.1. Gives consideration to the budget requirements for a replacement planning system when prioritising the Capital budget for 2009/10.

9.2. If funding is approved, authorise the procurement and implementation through an EU tender exercise to replace the existing Planning System, and delegates authority to the ICT Unit Manager, in consultation with the ICT Management Board, to award the contract.

Date: 14 October 2008
Our Ref: SM/DH   Report No: CE-47-F

Shetland
Islands Council

Information & Communications Technology

Project Initiation Document (PID)
(Version 14)

[Replacement Planning System]
[Version 1.0]

1.	Project Initiation Document Sign-off Form

**Project Initiation Document
Minor ICT Project**

Project Authorisation Sign Off

We accept this Project Initiation Document as superseding all previous documents and authorise the project to go ahead.

Project Authorisation	Name	Approved Date
Senior Executive	Iain McDiarmid Head of Planning	
Senior Business	Austin Taylor Heritage Service Manager John Holden Development Management Service Manager Building Standards Service Manager	
Senior Technical	Stuart Moncrieff, ICT Unit Manager	

2.	Project Brief

| **Background:** | Describe enough background to explain why we are initiating the project.

As requested by e-Planning Project Board on the 17 April 2008, a project is to be initiated to look at replacing the current computer casework system, FastSuite, which is used in the Planning service for maintaining, monitoring and controlling the application process for Building Standards and Development Management.

This system was chosen through a tender exercise in 1999 and implemented in 2000 to replace a bespoke system that was developed in-house by the Planning service.

FastSuite comprises of several core modules built on Microsoft Access and uses a standard database, Microsoft SQL 2000,as the information repository.

The core modules are:

- FastPlanning – used to administer planning applications for Development Management (Planning Control)

- FastControl- used to administer applications for building control works, e.g. Building Warrants and notices.

- FastGazetteer – used to manage address data.

- FastMatch – used to match and cross reference address data sets to the main address list held in Gazetteer.

- GIS Integration - FastSuite integrates out of the box with Cartology DSI – which is a propriety GIS mapping tool supplied by Innogistic. This was in use in the Council Planning and Road service at the time of the tender exercise. The Council has subsequently tended to install a different mainstream GIS product called Mapinfo as a standard GIS mapping tool. The Planning Service had bespoke modifications to the Fast Planning and Control modules to allow them to work partially with the Mapinfo product. The FastGazetteer and FastMatch products do not currently integrate with Mapinfo.

The ability to view planning applications online was added to |
|---|---|

	the Council's website in 2003, this was developed in-house by the ICT Unit and at the time the Council was held in regard by other Local Authorities and the Scottish Executive as a champion of e-Planning. The award winning site consistently receives a high percentage of the main "hits" on the Council website and is used to by Development Management to perform e-Consultation via E-mail to consultees. The ability to query and view the Building Standards Register was added to the website in 2005; again this was developed by the ICT Unit. In January/ February 2006 the Planning service signed up to be included as part of the Scottish Government National E-Planning Project, this involves all 32 local authorities in Scotland and 2 National Parks and currently consists of 4 main streams of work - OAA – Online Application and Appeals - OLP – Online Local Plans - OPIS – Online Planning Information System (Casework and Document Management System) - E-consultation The Council is involved in the OAA and OLP streams; this is being run as a separate project, the OAA phase should be complete by March 2009 and OLP phase by March by 2010. At the time Planning signed up to the National e-Planning project a decision was taken by the service not to include the OPIS stream. However the OPIS IDOX Uniform software has since become the de-facto standard for Scottish Local Authority planning services. This has been installed in 16 Local Authorities. In addition many Local Authorities are looking to IDOX as a corporate document management system. Therefore the Council is now in a position whereby, despite being an award-winning pioneer in the field of e-Planning, we are now the only Council who use FastSuite in Scotland and the majority of Scottish Council's have moved to IDOX.
Objectives:	List what the project is to achieve:- - A new casework system for administrating, controlling, processing, monitoring and reporting on the following functions in the delivery of the Planning service: - Planning Applications - Enforcement and Monitoring

	○ Building Control ○ Appeals ○ Works Licensing (e.g. Fish Farms) ○ Consultation (via email, letters and internet) ○ Letters, reports and general communications generation ○ Full Integration to GIS package – Mapinfo - Address Management to the National Scottish Gazetteer standard BS7666:2006 - Public access to applications and associated documents via the internet. - Connect to Scottish e-Planning OAA portal to allow applications be loaded through an electronic connector. - Data migration from existing systems. - Redaction tools
Scope	List what is to be included in the scope and what is to be excluded:- Within Scope - Replacement of current FastSuite back office software system and associated address management products FastGazetteer and FastMatch. - Replacement of the current bespoke "Growl" work licensing database as new Scottish legislation means the planning authority is responsible for applications from the coastline to a maximum of 12 miles offshore - Integration of systems for land and sea development. - Full Integration with MapInfo GIS Package. - Replacement server hardware (database, application, web) – This would allow parallel running of existing and new systems for testing. - Access to planning applications and their status via a web access module. - Ability to perform e-consultation with consultees. Outwith Scope - Any upgrade or replacement to current GIS infrastructure and software. - A document management system (DMS). This is being left out as it may be addressed through a corporate project. This would act as a trial for the future.
Business Case	List the benefits to the business of the Council

| | The existing system is now 10 years old and best case implementation would take in the order of 2 years. We are the only Council in Scotland using this system and it will need to be replaced sooner or later. An alternative, which other Scottish Local Authorities appear to be standardising, costs £150,000. Legislation changes to the Scottish planning system, the Scottish Planning Act 2006: Applications in the sea Neighbour Notification (Council is to perform this) Statutory Pre-Applications. This means that the existing system is no longer fit for purpose as the system is intended to meet the requirements of the English and Welsh planning system. The Council is the only Scottish user, with the knock on effect of limited commitment to future development of this system. The system is now 10 years old and ICT would normally recommend that systems should be considered for replacement within 7 years to maintain system reliability. Links to Corporate Plan (if appropriate) Maintaining and improvement of the efficiency of delivering planning services in Shetland. Integrating to the Scottish e-Planning Portal for Online Applications and Appeals. This will allow for full end to end electronic process for submitting planning applications. Maintaining the already high quality delivery of the Planning Service. Shetland Islands Council Planning Service is regarded as an early "champion" and at the forefront of delivering e-planning and associated services. Other local authorities only now allowing access to planning applications online and undertaking e-consultation, we have delivered these services since 2003. |
| **Constraints:** | List any constraints on the project (eg. Budget, timescales, objectives).

Any replacement system must by compatible with the |

	Scottish Government e-Planning Project. • Implementation of the system will take the place when the Planning Service is already under staffed with significant work.
Customers:	List the customers of the project and estimate numbers:- • Development Management Staff – 7 • Building Standards Staff - 6 • GIS technicians – 3 • Users of the Planning Service – 1000 applications per year.
Volumes	Estimate the number of key transactions and other volumetrics for this project:- • 500 planning applications per year • 500 building warrants per year • 6 Users for Building Standards • 8 Users for Development Management
Deliverables:	List the deliverables of the project (eg. A working system, trained users):- • A replacement system to underpin the delivery of Planning Service. • Redaction tools • Integration with E-Planning Project OAA portal • Web access by the public • Integration with Mapinfo. • Integration of systems for land and sea development.
Risk Analysis:	List the risks associated with this project (the things which could cause the project to fail). Estimate the risk in terms of probability and impact on a scale of 1 to 5, where:- • 1 is very low • 2 is low • 3 is average • 4 is high • 5 is very high | Description of Risk	Pro	Impa	Risk
---	---	---	---	

		5)		
	This project will have to go through the new Council budget allocation procedures and may not be given sufficient backing by members to secure the funding required	4	5	20
	IDOX is the major supplier in Scotland. They are currently heavily involved in the Scottish Government Project for e-Planning, so their time may be limited.	2	2	4
	IDOX have 2 e-Planning systems, Uniform and Accolade. They have just purchased the supplier Plantec who provides the Accolade planning software suite. IDOX are currently supporting both e-Planning products which they have and may in the future rationalise into one.	3	4	12
	Staffing Issues in Planning Service	3	3	9
	This is a major project and will require significant ICT project management and technical resource.	3	4	12

Summarise these risks and designate the project to be low, medium or high risk. And explain why.

This project is medium risk, mainly due to the uncertainty of the new process to allocate Capital funding by members at time when there is great demand on the Capital fund. This will be alleviated by having a strong business case.

Assumption	List any assumptions made (eg, resources will be made available, technology will work etc):- • Commitment and expertise from Planning service staff • Sufficient budget will be allocated

Resourcing: Estimate staff resources that will be required to successfully implement the entire project.

Overall Project Stage	Major Task	Project Manager Days	User Days Total	Technical Analyst Days	Total Days
Produce PID	Produce PID	10	5	2	17
Produce Report for	Write report for funding	4	-	1	5
Produce Tender	Document Requirements	12	30	8	50

Produce Tender	Document Requirements	12	30	8	50
	Produce Tender	6	12	1	19
Issue ITT Evaluate tender	Issues ITT	2	-	1	3
	Initial Evaluation Demonstrations (assume 3 demos, 1 days each)	6	12	1	19
		6	36	3	45
	Site Visits	7	20	5	32
	Evaluation Report	5	2	1	8
Installation & Setup	Install Hardware and Software	1	-	5	6
	Familiarisation and Training	3	60	2	65
	Conformance Testing	5	60	5	70
	Procedures	1	60	-	61
Re-work	Specify Requirements	5	30	3	38
	Acceptance Testing	1	18	1	20
Data Conversion	Plan	3	12	2	17
	Final Data Cleansing	5	20	2	27
	Data Transition	5	10	2	17
Implementation	Document Procedures	2	60	10	72
	Train Users	2	60	3	65
Go Live Post Implementation	Go Live	1	20	1	22
	Operations Handover	1	2	2	5
	Post Implementation Review	5	12	2	19
	Total Estimated Days Required :	**98**	**541**	**63**	**702**

Impact on Building Services	List expected input required from Building Services. This could include network points, power points, associated builders works, and any need for building warrants. • None Has this been discussed with Building Services Y/N? Has the work been formally agreed with Building Services Y/N? Have timescales for Building Services work been incorporated into the Project Plan Y/N?

	Building Services Work Order Number _____
Internal Audit Involvement	Does this project involve any financial or other implications which means that Internal Audit ought to be involved? Explain below:- • Internal Audit will be involved to ensure a robust business process for accepting online payments from the OAA portal site. Has this been discussed with Internal Audit Y/N? not at this time. What level of involvement has been agreed with Internal Audit None/ Project Board / Project Team / Other Please explain level of involvement:- •
Network Strategy	List impact on the network or any expectations of network requirements:- • This project will replace an existing system, so there should be no significant impact on network requirements.
Related Projects	List any projects, or parts of other projects, which have to be successfully completed before this project can be started/completed, and explain:- • Scottish e-Planning project – although there is no requirement for this project to be finished, it is noted here that any proposed solution should be fully compatible with the Scottish Government e-Planning Project. List any projects which will require this project, or parts of this project, to be completed before other projects can be started/completed, and explain:- •
ICT Security	List any issues for ICT Security, associated with this project:- • Will comply with ICT Security Policy
Data Protection	Does this project involve personal data or are there any other implications under Data protection? Explain below:-

<table>
<tr><td></td><td>

- The project will publish planning applicant's details online, such as name and address, the e-Planning Bill grants Planning Authorities the right to do this.

Has this been discussed with Legal Y/N? No directly about this project, but they are aware of it.

Please explain level of involvement:-

- There is ongoing discussion with Legal about the e-Planning project run by the Scottish Government.
- Legal Services will be involved as and when required and consideration may be given to including representation on the project board to ensure compliance.

</td></tr>
<tr><td>

Server Requirements

</td><td>

Describe any requirements for environmentals (including air-conditioning, rack space, access) and power requirements (including UPS and generators) required for this project:-

- New servers will be required if a new solution is purchased. If an upgrade of current system is agreed, then it will use existing servers.

Where will servers be located:-

- ICT Server Room

How will backups be carried out, estimate data volumes:-

- ICT Corporate backup – volumes unknown at this time, but assume would be similar to existing system – which would be retired – Current hardware would have to be maintained as it currently provides GIS and Asset management functionality for the Council.

</td></tr>
<tr><td>

Environment and Sustainability

</td><td>

List any potential environmental impact issues and steps taken to alleviate these and promote sustainability (in terms of both environmental sustainability and socio-economic sustainability):-

Planning has already produced Environmental benefits through moving to an e-Consultation process via email. Replacement of the current planning system would allow further environmental benefits to be realised through the implementation of an electronic connector to the e-Planning

</td></tr>
</table>

	Online Application and Appeals portal which would further reduce the current application process bias form paper based applications through promoting online electronic submission via the portal.
Acceptance Test Plan	Will a formal acceptance test plan be produced for this project? (Yes/No) Reason: Yes If a formal acceptance test plan is to be produced, please give details:- This will be done as part of acceptance testing phase of implementation.
Budget:	Detail Budget Sources No budget has been allocated at this time. This project will have to compete for funding under the new capital budget procedures Indicative costs have been requested from the following suppliers IDOX (Uniform and Plantec) CIVICA (Flare) Innogistic NorthGate The initial results of an RFI (Request for Information) exercise suggest a budget of £150,000 Capital and £20,000 per annum revenue. For further information see: \\shetland\root\ICT Services\data\OFFICE\PROJECTS\e-Planning\Project Docs\PID\fastsuite replacement\budget estimates.xls

3.	Organisation and Reporting Structure

ROLES		NAMES OF STAFF
Project Board	**Senior Executive**	Iain McDiarmid
	Senior Business	John Holden/Austin Taylor
	Senior Technical	Stuart Moncrieff, ICT Unit Manager
Project Manager		Michael Coutts
Project Team	**Business Assurance**	Jonny Wiseman/Building Standards rep.
	User Assurance	Dawn Stewart
	Technical Assurance	John Carolan
	Other Implementation Team Members	GIS techs and other members of Planning as required.

| **Reporting:** | The Project Manager will report to the Project Board.

The Project Manager will have overall responsibility for the project and ensuring that all aspects of the projects are carried out to plan, on time, within budget and that all deliverables are achieved.

Minutes must be taken of all Project Board meetings. |
|---|---|
| **Limits of Authority:** | The Project Board must authorise any changes from the PID or the scope of the project.

Any changes must be documented.   Fundamental changes to the project will require a complete review of the PID (eg. this is normal when moving from PID version 1.0 to 2.0). Other changes should be documented in the Project Board minutes.

Normally changes to the project must be authorised at a board meeting. However, where this is impractical, authority may be granted by email but the changes must be ratified at the next board meeting.   Such exceptions must be discussed and agreed in advance with the ICT Unit Manager. |

4.	Products

Management Statement
Explain how success of the project will be managed:-

Management Products	Planned (Y/N)	If not planned, please state reason
Signed off PID	Y	

Operations Handover documents	Y	
Post Implementation Review	Y	

Quality Statement
Explain how success of the project will be ensured:-

Quality Products	Planned (Y/N)	If not planned, please state reason
Proposed Solution	Y	Project will require a full OJEU tender
ICT Briefing Session	Y	

Technical Products
Technical products have been listed in the Deliverables section.

5.   Timescales and Resource Plans

Please complete all tasks and identify all stage end milestones.

Task	Duration	Start	End	Resp
Produce PID	3 months	Jun 2008	Sep 2008	MC
ICT Briefing	1d	Sep 2008		MC
Project Board Approval	1d	Sep 2008		MC
ICTMB Approval	1d	Oct 2008		
Council Approval for Funding	1d	Dec 2008		
ITT	9 Months	Dec 2008	Sep 2009	
• Document Requirements	2 Months	Dec 2008	Jan 2009	
• Produce Tender	3 Months	Jan 2009	March 2009	
• Issue ITT	2 Months	April 2009	May 2009	
• Evaluate Tender	3 Months	May 2009	July 2009	
• Demonstrations	4 weeks	May 2009	May 2009	
• Site Visits	4 weeks	June 2009	June 2009	
• Evaluation Report	4 weeks	July 2009	July 2009	
Award and Agree Contract	4 weeks	July 2009	Aug 2009	
Implementation	9 Months	Aug 2009	March 2010	
• Install Hardware/Software	2 Months	Sep 2009	Oct 2009	
• Familiarisation and Training	4 weeks	Oct 2009	Oct 2009	
• Testing	8 weeks	Oct 2009	Nov 2009	
• Data Conversion and loading	8 weeks	Dec 2009	Jan 2010	
• User Training	8 weeks	Jan 2010	Feb 2010	
• User and Procedure Documentation	4 weeks	March 2010	March 2010	
Go Live	4 weeks	April 2010		
Post Implementation Review	4 weeks	May 2010	May 2010	

Page 19 of 19

PROJECT INITIATION DOCUMENT v.12	Project: Replacement Planning System
Author: Michael Coutts	Stage: Approved
Date:	Version Number:1.0 **Page** 19 of

Page 19 of 19

Shetland
Islands Council

REPORT

Nomination for the Charitable Trust Funded Bodies Review Group
Report No. LA-57-F

1.0   Introduction

1.1   This report is presented to consider a request from the Shetland Charitable Trust (SCT) for the Council to make nominations to the Charitable Trust Funded Bodies Review Group.

2.0   Link to Corporate Priorities

2.1   The recommendations in this report accord with the Council's role as a lead organisation in the Community Planning Partnership in ensuring a commitment to sustainable development and wise use of resources.

3.0   Background

3.1   At their meeting on 17 September 2008, the SCT appointed a number of Trustees to undertake a review of the bodies funded by the SCT, with a view to identifying possible savings. The SCT agreed to invite the Shetland Islands Council, as its strategic partner, to participate in the review and to appoint an equal number of Councillors to the Review Group.

3.2   Accordingly, the SCT appointed the following Trustees to the Review Group:

W H Manson	J Henry
J H Scott	A J Cluness
E L Fullerton	F A Robertson
I J Hawkins	

3.3   The SCT further agreed that the remit of the Review Group, including an outline of the bodies to be reviewed and the timescale

of the review, would be presented to a meeting of the SCT for consideration, but only once the Council had made its nominations.

4.0   Proposal

4.1   In accordance with the decision of the SCT, the Council has been asked to nominate an equal number of Councillors to the Working Group.

4.2   Although this is a request to proceed directly to appointment of Members, ordinarily we would only be asked to do that when we were clear on the purpose, terms of reference and remit of any group to which members were being appointed.

4.3   To avoid a "chicken and egg" situation developing, it has been suggested to SCT that we adopt a step approach to this with perhaps the Chairpersons of the 3 Committees responsible for the 3 elements of sustainable development, social, environmental and infrastructure and economic together with nominees from the relevant department to meet with the appointed Trustees to prepare the ground for a review including a draft remit for approval by the Charitable Trust, ahead of the Council making formal nominations.

5.0.   Financial Implications

5.1   Travel and mileage expenses associated with attendance at meetings of a working Group by those Members appointed by the Council are deemed an approved duty, as defined in Section 3.2 of the Council's Scheme of Members' Approved Duties. Expenses will be met from existing Members' budgets. Expenses incurred by SCT Trustees will be met by the SCT. As far as possible meetings will be scheduled on the same day as other SIC/SCT meetings, in order to avoid any additional expenditure.

6.0   Policy and Delegated Authority

6.1   The recommendations in this report have not been delegated to any Committee, and therefore a decision of the Council is required.

7.0   Recommendation

7.1   I recommend that the Council

7.1.1   nominate up to seven Members to the Charitable Trust Funded Bodies Review Group, **or**

7.1.2   appoint the Chairpersons of Development Committee, Infrastructure Committee and Services Committee to the Review Group with a view to first developing the terms of a remit for the Group; and

Page 2 of 2

7.1.3 delegate authority to the Chief Executive to task relevant officers to assist the Review Group in the drawing up of a draft remit for consideration by the SCT.

14 October 2008
AC

Role and Representation on the Community Safety Executive Group

Purpose

1. The purpose of this report is to map out the role of an Executive Group and identify the necessary requirements for representation and the process by which full representation can be agreed.

Recommendations

2. Recommend that the Group discusses the role of the Executive Group and how this relates to Police, Fire, Community Justice Authorities and Local Government more generally and agrees the process and time frame for agreeing full representation.

Background

3. Before the last elections, COSLA had 12 Executive Groups representing a wide variety of policy agendas. After the election it was felt that a smaller number of Groups would be more efficient and effective as a means of developing COSLA policy and encouraging a joined up approach to policy internally. COSLA now has six Executive Groups which meet on a quarterly basis. Elected members and local authority officials from across Scotland's 32 councils attend these meetings, together with the relevant COSLA Officers. The elected members are voting members while professional bodies and officers are present only in an advisory capacity.

4. Each Group has an elected member chosen to be Spokesperson and Chair of the Executive Group. Executive Groups can remit their spokesperson to undertake a number of tasks on the behalf of the group including;
    i. Making links with other Spokespeople and Executive Groups
    ii. Acting as the primary point of contact with the Scottish Government
    iii. Leading cross party delegations to Ministers as appropriate
    iv. Representing the views of the Executive Group to Scottish Government and the Scottish Parliament, to the wider community and to the media.
    v. Presenting the work of the Executive Group at the Leaders meeting.

5. All Executive Groups endeavour to be reflections of the political and geographical balance within COSLA as a whole. Every Local Authority must be represented and generally, no authority should have more than one place. Spokespeople are also chosen to ensure political balance and fair representation.

6. Executive Groups are at the forefront of policy and resource activity for COSLA and act as the first line of both identification and response to issues within their

policy remits. It is expected that the Executive Groups will make decisions within their remit, referring and reporting to Leaders or the full Convention only on those issues of strategic significance or impact.

7.   COSLA is a membership organisation and it is the individual councils who chose to come together through the Convention. At the same time, these councils are free to maintain an independent voice outside of COSLA. This will also be true for Police, Fire and Community Justice Authorities who chose to be members of the Community Safety Executive Group. Membership of the Executive Group in no way compromises the individual and independent authority of its members.

8.   Convention agreed in June to the principle of setting up a Community Safety Executive Group and it was agreed that the Spokesperson would be nominated by the Conservative Group. It was decided that the most practical way of taking this forward would be to initiate a Pilot Executive Group to bring together members to decide upon the future role, remit and representation of a permanent Executive Group.

Representation on the Community Safety Executive Group
9.   In initiating the Pilot Executive Group, COSLA proposed that 4 from each of the 8 Police, Fire and Community Justice Conveners would be nominated as members of the Group. The remaining places would be allocated to those local authorities which were not already represented by a Convener.

10. In recognition of the fact that nominating 4 out of 8 Conveners at such short notice was not supported, the President of COSLA agreed to extend the invitation to all Conveners to this meeting. We also agreed that the final proposals on representation would be jointly drafted and presented to the Convention in December.

11. In recognition of their specific concerns, we propose to meet with each group of Conveners over the next month, to discuss representation on the Executive Group. On the basis of those discussions, officers will prepare a set of proposals to be discussed at a special meeting of the Executive Group to be held in November where we would hope to reach a workable compromise that can be put to the Convention.

Paula Evans
Policy Manager
0131 474 9371
paula.evans@cosla.gov.uk

Remits of Executive Groups

1. Health and Well-being
- Social Care/Joint Future
- Free Personal Care
- Care Homes
- Supporting People
- Homelessness (Support & Social Care)
- Local Government & NHS Interface
- CHPs/CHCPs
- Older People's Services
- Mental Health
- Substance Misuse
- Health Improvement

2. Education, Children & Young People
- Integrated Children's Services
- Education
- Child Protection
- Corporate Parenting
- Young People/Youth Work
- Children and Young People's Commissioner
- Youth Justice

3. Community Well-being and Safety
- Housing, Homelessness and Housing Improvement
- Social Justice/Inclusion
- Consumer Protection/Trading Standards
- Environmental Health
- Lifelong Learning & Community Learning
- Arts, Culture and Leisure
- Anti-Social Behaviour
- Health Improvement

4. Regeneration and Sustainable Development
- Economic Development
- Planning
- Roads and Transportation
- Regeneration
- Environmental Issues
- Tourism
- Energy
- Waste
- Water Services

- Building Services
- Sustainable Development

5. Resources and Capacity
- Finance
- Asset Management
- Efficient Government
- Outcome Agreements
- Procurement
- Shared Services

6. Strategic Human Resources Management
- Personnel Resources
- Workforce Development/Planning
- Recruitment
- Liaison with Unions
- Negotiations
- Single Status

Shetland
Islands Council

REPORT

To: Shetland Islands Council   22 October 2008

From: Head of Legal and Administration

Appointment to COSLA Community Safety Executive Group
Report No. LA-56-F

1.0 Introduction

1.1   The purpose of this report is seek a nomination from the Council to COSLA's Community Safety Executive Group.

2.0 Links to Corporate Priorities

2.1   The purpose of this report supports the Council's corporate priority actions for a sustainable society, in particular Community Safety.

3.0 Background

3.1   At the COSLA meeting on 29 June 2007, it was agreed that the interim political structure of COSLA should include six Executive Groups covering the full range of local government issues. The groups commenced meeting in August 2007.

3.2   In June this year, COSLA decided to establish a Community Safety Executive Group. The role and representation of the Group is attached as Appendix 1. The proposed remit is attached as Appendix 2. The intention of this Executive Group is to engage community planning partners, in particular the Police, Fire and Criminal Justice Authorities, in a joint approach towards policy development of the Concordat between the Scottish Government and COSLA.

3.3   It should be noted that this Executive Group is being established as a pilot, although no timescale for its duration has been determined.

4.0 Proposal

4.1   The Council is asked to appoint one Member to the COSLA Community Safety Executive Group.

3.2 The Chief Executive has delegated authority from the Council to authorise attendance at CoSLA meetings where either no Member has been appointed, or the appointed Member is unable to attend. However, in order to assist matters, and in keeping with common practice, the Council is asked to also appoint 1 substitute Member for the Executive Group.

3.3 To assist Members in considering its appointments, current representation on COSLA groups, appointments to the Fire and Police Boards, and to the Northern Community Justice Authority is attached as Appendix 3.

5.0 Financial Implications

5.1 Expenses incurred by Members in attending meetings etc are recoverable if they form part of an approved duty. Attendance at COSLA meetings as a nominated or appointed representative is deemed an approved duty in terms of Section 3.2 of the Council's Scheme of Members' Approved Duties. Expenses will be contained within the Members' Travel and Expenses budgets.

6.0 Policy and Delegated Authority

6.1 In the absence of any specific delegated authority for appointment to COSLA Executive Groups, a decision of the Council is required.

6.2 Attendance at COSLA meetings as a nominated or appointed representative is deemed an approved duty in terms of Section 3.2 of the Council's Scheme of Members' Approved Duties.

6.3 It is Council practice that voting, if necessary, shall be conducted by secret ballot using first-past-the-post principles.

7.0 Recommendations

7.1 I recommend that the Council nominate a representative and 1 substitute to COSLA's Community Safety Executive Group

14 October 2008
AC

A Remit for the Community Safety Executive Group

Purpose

1. The purpose of this paper is to provide an opportunity for members of the Executive Group to discuss its remit.

Recommendations

2. Members are invited to:
   i.   Discuss the new context for policy development;
   ii.   Agree the scope of the community safety remit which is to be applied to this Group
   iii.   Consider the relationship between this Executive Group and the Executive Group on Community Wellbeing and Safety
   iv.   Consider the current and emerging policy issues relevant to community safety

Background

3. The Concordat between the Scottish Government and COSLA established a new working relationship between the two spheres of government in Scotland. The landscape changed in three important respects for local government: less ring-fenced funding, giving greater flexibility on how best we use our resources; the development of Single Outcome Agreements (SOAs), which will bind community planning partners into a shared vision and the joint development of policy.

4. It is recognised that this joined-up approach to policy development as outlined in the Concordat is taking time to mature and that new methodologies will evolve to assist with this process. Nevertheless, the joint approach is the agreed way forward and should be positively promoted and is already impacting on Police, Fire and Community Justice Authorities and some of these are reflected in the agenda of this Executive Group.

5. More generally, the Concordat sets out a new relationship between national and local government and committed both sides to work jointly towards an agreed set of national outcomes with the aim of better local and better national governance. The new relationship is based on mutual respect and partnership. As part of that arrangement, it was agreed that the following meetings should   take place between COSLA and the Scottish Government at a political level:

   ▪ An annual full Cabinet meeting with the COSLA Presidential Team;
   ▪ A bi-monthly meeting between the COSLA Presidential Team and the Cabinet Secretary for Finance & Sustainable Growth and the Cabinet Secretary for Education & Lifelong Learning.
   ▪ Ministerial meetings and ongoing joint policy development

Policy Context

6. The Concordat set in motion a new relationship between Scottish and Local Government that we feel should encompass the whole of the Local Government family including Police, Fire and Community Justice Authorities. There is much to be gained

from working in partnership. Through the Executive Group, we can strengthen the lobbying position of all parties without compromising the autonomy of any individual partner.

7. The decision was made in the COSLA Convention in June, to create a Community Safety Executive Group to enhance and coordinate the influence of all participants. However the exact remit and role of the Group and its relationship with the Community Wellbeing and Safety Group was not decided. It was felt that these decisions should form part of the work of a Pilot Group, to be decided by members. The remit of the Community Safety Executive Group is therefore open for discussion and debate. **The purpose of this paper is to stimulate this discussion and not to pre-empt its outcome.**

8. Community safety as a policy remit in its narrowest form has often meant the protection of communities from crime and particularly crimes which infringe upon a community's general feeling of security. It is clear that Fire and Rescue Services and Community Justice Authorities also play an essential part in helping communities to feel safe. It is equally clear that if we are going to successfully tackle community safety issues comprehensively, there needs to be a wider definition of community safety that encompasses the contribution made by the full range of public services.

9. The following National Outcomes contained in the National Performance Framework relate directly to community safety and illustrate the breadth of outcomes attributable to this agenda:
    *   We live our lives safe from crime, disorder and danger.
    *   We live longer, healthier lives.
    *   We have tackled the significant inequalities in Scottish society.
    *   We have improved the life chances for children, young people and families at risk.
    *   Our young people are successful learners, confident individuals, effective contributors and responsible citizens.
    *   We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others.
    *   Our public services are high quality, continually improving, efficient and responsive to local people's needs.

10. National Indicators also illustrate the potential for community safety policy to range from reducing overall reconviction rates by 2 percentage points by 2011 to increasing the percentage of adults who rate their neighbourhood as a good place to live and the positive public perception of the general crime rate in local area.

11. There are a number of specific issues that can be identified as falling within the widest remit of Community Wellbeing and Safety. To clarify the relationship between the two related Executive Groups it is essential to clarify the relationship between the various policy agendas. The following grid, although artificial and subject to significant overlap and change, may be a helpful way of focussing discussion.

Wellbeing / welfare	Common Ground	Safety
Alcohol and drugs	Antisocial behaviour	Policing
Deprivation and poverty	Crime prevention	Prisons and community justice
Housing and regeneration	Community Engagement	Child protection
Health inequalities	Education	Home security
Community cohesion and	Social activities and the	• Crime
intergenerational activity	prevention agenda	• Flooding
Transport and road safety	Cash back	• Fire
Child Hearing System		Non-fire related emergencies

Current Policies

12. There are a number of current issues being brought forward by the Scottish Government which are immediately relevant to members of the group. There are also a number of long-term policy agendas which will have an impact upon all members. For example the anti social behaviour agenda which links with Education as well as social and cultural provision, is an example of a wider commitment to community safety.

13. To function efficiently the Executive Group must be clear on what is within its remit and what is clearly not within its remit. Below is a short list of current and on going issues. Members should consider what if any issues should be added to this list and how they should be prioritised. Members should also consider whether or not for example, regulation should be covered by the group.

Fire	Police	Community Justice
Pensions		
Contingency Planning		
Fire Framework	SPSA	CJA update
Resilience	ICT	
Fire Capital Grant	Review of Policing	
Firelink	Prison Review	
	Reducing Reoffending Strategy	
	Road Safety	
Anti Social Behaviour Review		
Community Engagement		

A strategic policy agenda

14. In light of the new governing relationship, it is increasingly important for the Executive Group to prioritise its workload and to take a more strategic and long term perspective. For example, a strategic commitment to early intervention and prevention has led to a shift in prioritisation in the role and work of services away from crisis intervention. Community policing and fire prevention are just two examples of how this strategic commitment to early intervention and prevention has impacted upon service coordination and delivery.

15. There are a number of policy issues which may fall into this category and will be of strategic importance to all members. These will include

    i.   Shared Services
    ii.   Single Outcome Agreements
    iii.   Best Value and performance management
    iv.   Early intervention and prevention
    v.   Cash back

Members are asked to consider whether these are appropriate issues to prioritise and whether there are any additional strategic issues that should be within the remit of the group.

16. Importantly, however, we must aspire to master change and we will only do that with effective, visionary, joined-up policy. Members are asked to consider any issues they believe should be considered or addressed by Scottish Government.

Conclusion

17. We have a new and challenging environment within which we need to consider how we can best harness the new opportunity offered. The group might usefully start by asking the following.

    i.   What are the key policy drivers in community safety?
    ii.   Is there a shared vision of community safety beyond the remit of Fire, Police and Community Justice?
    iii.   How do we ensure that the individual topics prioritised in the Group relate to the shared vision of community safety?
    iv.   What policy focus should this Group have to make it more proactive as well as reactive?
    v.   How can we embed an outcomes approach into policy development and service delivery?
    vi.   How do these sit within the development of current national policy?

Paula Evans
Policy Manager
paula.evans@cosla.gov.uk
0131 474 9371

Annex A – The Policy Cycle

The structured approach in the 'model' policy cycle (below) reflects the policy planning and development framework currently used by both partners. Policy initiatives will of course emerge from a range of sources. The key point is that before embarking on the process of policy development, an issue is discussed between the Scottish Government and COSLA. The profile of the policy will determine when these discussions should take place at officer or at political level. The chart below describes a process that a strategic level policy might follow in the context of joint policy development.

```
┌──────────────────────┐      ┌──────────────────────┐
│  Scottish Government  │      │   Local Government    │
│      Priorities       │      │      Priorities       │
└──────────────────────┘      └──────────────────────┘
              ↘                    ↙
     ┌─────────────────────────────────┐
     │  Government and COSLA discuss    │
     │     initial policy proposals     │
     └─────────────────────────────────┘
                      ↓
     ┌─────────────────────────────────┐
     │        Policy Initiation         │
     └─────────────────────────────────┘
                      ↓
     ┌─────────────────────────────────┐
     │         Policy Planning          │
     └─────────────────────────────────┘
                      ↓
     ┌─────────────────────────────────┐
     │     Presentation of Evidence     │
     └─────────────────────────────────┘
                      ↓
     ┌─────────────────────────────────┐
     │        Options Appraisal         │
     └─────────────────────────────────┘
                      ↓
     ┌─────────────────────────────────┐
     │   Presentation, recommendation   │
     │     and Agreement on policy      │
     └─────────────────────────────────┘
                      ↓
     ┌─────────────────────────────────┐
     │   Joint launch of agreed         │
     │          framework               │
     └─────────────────────────────────┘
                      ↓
     ┌─────────────────────────────────┐
     │           Evaluation             │
     └─────────────────────────────────┘
```

General guiding principles:

• *Keep lines of communication open*

• *Keep each other informed as policy develops and new options emerge, a process of continuous checkback*

• *Keep timescales realistic and ensure that you build sufficient time and flexibility into your planning process to allow proper progress through decision-making channels*

Annex B

The Scottish Government's decision-making process

The Scottish Government operates on the basis of collective responsibility. This means that all key decisions on policy reached by Ministers, either individually or collectively, are binding on all members of the Scottish Government.

There are a range of mechanisms through which Ministers may arrive at the day-to-day decisions on policy matters by which they are collectively bound. Depending on the nature of the policy, a decision can be taken either by the relevant Portfolio Minister, or be referred to the full Cabinet for consideration to emphasise the importance of a decision.

The most strategically important and sensitive issues will require preparation of a paper for consideration at a meeting of the Cabinet, or dealt with in correspondence between Cabinet members. Cabinet meets once a week. For a policy to be considered at that meeting, it is normal for a paper to be prepared in advance and be submitted by the Portfolio Minister.

However, much of the business that requires a Ministerial decision can be dealt with below the level of the Cabinet by individual Ministers.

A routine or day to day issue which falls wholly within the portfolio of one Minister can normally be dealt with by officials submitting a minute (i.e. a memorandum) to that Minister. Other Ministers can be copied in for comment or for information in so far as an issue is relevant to their portfolio. Ministers may also take decisions in the context of meetings, and these decisions are formally recorded in minutes.

Civil servants support and are accountable to the Government in the delivery of their policies and public services and is committed to the values of integrity, honesty, objectivity and impartiality. They provide information and advice to Ministers on the basis of evidence and must remain politically impartial.

A Strategic Board, chaired by the top civil servant in the Scottish Government, provides leadership for the organisation. The Strategic Board's primary functions are to support the Cabinet in the delivery of strategic objectives; to drive organisational change and improvement; to set strategic direction; to manage resources; and to provide management leadership.

Individual Board members each have direct responsibility for one of the Ministers' five key strategic policy objectives for Scotland (i.e. greener, smarter, healthier, safer, and wealthier and fairer). It is their responsibility to ensure that work on those objectives is joined up both within and out with the Scottish Government.

In terms of the structures within Health, the various Directorates operate under a management board, and also have regular strategic/management meetings with NHS Chairs and Chief Executives. The MSG is, however, the only substantive forum for discussion of strategy across the health, social care and housing spectrum.

la-56-a2.doc

Annex C

COSLA's forums for policy discussion and approval

COSLA has six Executive Groups which meet on a quarterly basis. COSLA's Spokespeople are the elected members who chair these groups. Elected members and local authority officials from across Scotland's 32 councils attend these meetings, together with the relevant COSLA Team.

COSLA policy positions are developed through these meetings which are attended by relevant officers from councils to provide the technical expertise on specific policy issues.

Major policy issues, such as Free Personal Care or the Early Years Strategy, will be discussed regularly at the relevant Executive Groups but will also go to Leaders, which meets every month, for final endorsement. Council Leaders meet on a monthly basis. Chief Executives of each local authority also attend these meetings. The meeting enables policy positions to be established and endorsed which have already gone to Executive Groups. Leaders also have a strategic workload in their own right.
Alternatively, if a specific issue should arise which needs immediate attention, this will be brought directly to Leaders if the Executive Group is not scheduled for that month.

Convention is COSLA's principal decision making body which meets four times per year. Convention is made up of 133 Elected Members from the 32 local authorities. Chief Executives also attend. Convention is the forum at which COSLA's President, Vice President's and Spokespersons are elected. This body is also responsible for the approval of COSLA's Business Plan on an annual basis, along with the establishment and terms of reference for Executive Groups and Task Groups. Council are recommended to appoint delegates who reflect a political balance across the council. The Convention reflects a political proportionality. The spokespersons reflect the political balance on Convention. Consequently, both of these groupings are politically proportionate.

COSLA's Presidential Team comprises its President and four Vice-Presidents meet on a weekly basis. This group provides the overall political direction on current policy issues relating to the work of COSLA. Labour, the SNP, the Liberal Democrats and the Independents are represented.

COSLA's Leadership Board meets on an ad hoc basis, bringing together the Leaders of each political party, the six spokespeople and the Presidential Team. This grouping acts as COSLA's Emergency Powers committee, providing policy direction on issues which arise between Leaders' and Convention meetings and require immediate attention. It is the equivalent to the Government's Cabinet. Leadership Board has a very important function, acting as the political sounding board for emerging policy areas, as well as providing a quick response on developing policy areas.

COSLA itself is a small organisation with 50 staff members, who work across a wide range of issues within two broad policy portfolio areas on a 70%-30% basis. For example, an officer working 70% in the Regeneration and Sustainable Development Team will also work 30% in a separate team, such as Education, Children and Young People. This mainstreaming ensures that staff have a broad understanding of all the issues facing local government today. COSLA relies on the expertise of officers from its member councils to provide technical assistance, as well as the professional associations who represent specific sectors within local government, such as finance or social work.

la-56-a2.doc

Convention	
Ex-officio Convener	Sandy Cluness
Ex-officio Chairperson Services Committee	Gussie Angus
Ex-officio Chairperson Infrastructure Committee	Allan Wishart

CoSLA Leaders
A J Cluness - Ex-officio Convener

CoSLA Executive Groups

Substantive	Substitute
Health and Wellbeing - L Angus	B Fullerton
Education, Children and Young People – W H Manson	F B Grains
Community Wellbeing and Safety - B Fullerton	I J Hawkins
Regeneration and Sustainable Development - J G Simpson	F A Robertson
Resources and Capacity - A J Cluness	J G Simpson
Strategic Human Resources Management - G Robinson	C Miller

Highlands and Islands Northern Joint Fire Board	
Substantive	A Duncan
	A Cooper
Substitute	C Smith
	J Budge

Highlands and Islands Northern Joint Police Board	
	As per Joint Fire Board
Substantive	A Duncan
	A Cooper
Substitute	C Smith
	J Budge

Northern Community Justice Authority	
Substantive	F B Grains
Substitute	L Angus

Shetland
Islands Council

REPORT

To: Shetland Islands Council   22 October 2008

From: Head of Legal and Administration

Schedule of Meetings 2009
Report No. LA-55-F

1.0   Introduction

1.1   The purpose of this report is to seek Members' approval as to the diary of meetings for 2009.

2.0   Link Corporate Priorities

2.1   The terms of this report do not directly support the Council's Corporate priorities, but may indirectly contribute towards the Council's Priorities and the Single Outcome Agreement by ensuring improvement in operational efficiency and by reducing bureaucracy.

3.0   Proposals

3.1   Two options are attached for Members consideration.

3.2   In both instances, Members should note the following:

- Meeting dates for the Licensing Sub-Committee have not been scheduled, but will meet as and when required.
- Any meeting can be re-scheduled, in consultation with the Chairperson.
- All morning meetings commence at 10 a.m., and all afternoon meetings commence at 2.15 p.m.
- Meetings of the Visiting Committee for Legalised Police Cells, the Shetland Islands Area Licensing Board and ZetTrans will be submitted to a meeting of those bodies for approval, and cannot be agreed at this meeting of the Council.

3.3   Option 1 – this schedule mirrors that of the current year, with the exception of the Inter Island Ferries Board and the Harbour Board. The benefits of this option are that the schedule is familiar to officers, members and the media, and concentrates meetings within

the cycle, thereby freeing up time to allow Councillors to attend to constituency business. However, the disadvantage is that this concentration of meetings may not be suitable for all Members, and exacerbates workloads for both officers and Members in the clearance of reports and meeting preparation tasks.

3.4 Option 2 – this schedule proposes the main committee meetings being spread out over the cycle. This has the benefit of allowing more time for officers to consider reports through the agenda management process, and allows Members more time between meetings to prepare for meetings and consider reports in greater detail, which is in line with the Council's commitment to help Members manage their workloads more effectively.

4.0 Policy and Delegated Authority

4.1 Approval of the Council's diary of meetings requires a decision of the Council, as required by Section 8.0 of the Council's Scheme of Delegations. However, from time to time the date of a specific meeting requires to be changed in consultation with the relevant Chairperson but approval of this report will broadly set the cycle of meetings for the year ahead.

5.0 Financial Implications

5.1 There are no financial implications associated with the recommendation in this report.

6.0 Recommendations

6.1 I recommend that the Council consider the options for the scheduling of meetings as shown in the appendices, and determine the schedule of meetings for 2009.

October 2008
AC

2009 Week beginning Monday	Date Week ending Friday	Monday	Tuesday	Wednesday	Thursday	Friday	
29 Dec 08	02 Jan 09 a.m.				Public Holiday	Public Holiday	
	p.m.						
5 Jan	9 Jan a.m.						
	p.m.						
12 Jan	16 Jan a.m.	*Planning Board Site Visits*	Planning Board	Employees JCC	Inter Island Ferries Board		
	p.m.			TS / Shetland College Board			
19 Jan	23 Jan a.m.			Development Committee	Harbour Board		
	p.m.						
26 Jan	30 Jan a.m.		Lerwick Up Helly Aa No meetings	Public Holiday	Services Committee		
	p.m.				Audit and Scrutiny Committee		
2 Feb	6 Feb a.m.			Infrastructure Committee			
	p.m.						
9 Feb	13 Feb a.m.			Sp Harbour Board			
	p.m.						

FIRST CYCLE (1)

School holidays

2009 Week beginning Monday	Date Week ending Friday	Monday	Tuesday	Wednesday	Thursday	Friday	
16 Feb	20 Feb a.m.			SIC			
	p.m.						
23 Feb	27 Feb a.m.	*Planning Board Site Visits*	Planning Board	Employees JCC	Inter Island Ferries Board		
	p.m.			TS / Shetland College Board			
2 Mar	6 Mar a.m.			Development Committee	Harbour Board		SECOND CYCLE (2)
	p.m.						
9 Mar	13 Mar a.m.			Services Committee	Audit and Scrutiny Committee		
	p.m.						
16 Mar	20 Mar a.m.			Infrastructure Committee			
	p.m.						
23 Mar	27 Mar a.m.						
	p.m.						
30 Mar	3 April a.m.			SIC			

School holidays

2009 Week beginning Monday	Date Week ending Friday	Monday	Tuesday	Wednesday	Thursday	Friday	
6 April	10 April a.m.					*Planning Board Site Visits*	
	p.m.						
13 April	17 April a.m.	*Public Holiday – Easter Monday*	Planning Board	Employees JCC	Inter Island Ferries Board		
	p.m.			TS/Shetland College Board			
20 April	24 April a.m.			Development Committee	Harbour Board		
	p.m.						
27 April	1 May a.m.			Services Committee	Audit and Scrutiny Committee		
	p.m.						
4 May	8 May a.m.			Infrastructure Committee			
	p.m.						
11 May	15 May a.m.						
	p.m.						
18 May	22 May a.m.			SIC			
	p.m.						

THIRD CYCLE (3)

School holidays

2009 Week beginning Monday	Date Week ending Friday	Monday	Tuesday	Wednesday	Thursday	Friday	
25 May	29 May a.m.	*Planning Board Site Visits*	Planning Board	Employees JCC	Inter Island Ferries Board		*FOURTH CYCLE (4)*
	p.m.			TS/Shetland College Board			
1 June	5 June a.m.			Development Committee	Harbour Board		
	p.m.						
8 June	12 June a.m.			Services Committee	Audit and Scrutiny Committee		
	p.m.						
15 June	19 June a.m.			Infrastructure Committee			
	p.m.						
22 June	26 June a.m.						
	p.m.						
29 June	3 July a.m.			SIC			
	p.m.						

School holidays

2009 Week beginning Monday	Date Week ending Friday	Monday	Tuesday	Wednesday	Thursday	Friday	
6 July	10 July a.m.						SUMMER RECESS
	P.m.						
13 July	17 July a.m.						
	p.m.						
20 July	24 July a.m.						
	p.m.						
27 July	31 July a.m.						
	p.m.						
3 Aug	7 Aug a.m.						
	p.m.						

School holidays

2009 Week beginning Monday	Date Week ending Friday	Monday	Tuesday	Wednesday	Thursday	Friday	
10 Aug	**14 Aug** a.m.						
	p.m.						
17 Aug	**21 Aug** a.m.	*Planning Board Site Visits*	Planning Board	Employees JCC	Inter Island Ferries Board		
	p.m.			TS/Shetland College Board			
24 Aug	**28 Aug** a.m.			Development Committee	Harbour Board		
	p.m.						
31 Aug	**4 Sept** a.m.			Services Committee	Audit and Scrutiny Committee		
	p.m.						
7 Sept	**11 Sept** a.m.			Infrastructure Committee			
	p.m.						
14 Sept	**18 Sept** a.m.						
	p.m.						

FIFTH CYCLE (5)

School holidays

2009 **Week beginning Monday**	**Date** **Week ending Friday**	**Monday**	**Tuesday**	**Wednesday**	**Thursday**	**Friday**	
21 Sept	**25 Sept** **a.m.**			SIC			
	p.m.						
28 Sept	**2 Oct** **a.m.**	*Planning Board Site Visits*	Planning Board	Employees JCC	Inter Island Ferries Board		
	p.m.			TS/Shetland College Board			
5 Oct	**9 Oct** **a.m.**			Development Committee	Harbour Board		
	p.m.						
12 Oct	**16 Oct** **a.m.**			Services Committee	Audit & Scrutiny Committee		SIXTH CYCLE (6)
	p.m.						
19 Oct	**23 Oct** **a.m.**			Infrastructure Services			
	p.m.						
26 Oct	**30 Oct** **a.m.**						
	p.m.						

School holidays

2009 Week beginning Monday	Date Week ending Friday	Monday	Tuesday	Wednesday	Thursday	Friday	
2 Nov	6 Nov a.m.			SIC			SEVENTH CYCLE (7)
	p.m.						
9 Nov	13 Nov a.m.	*Planning Board Site Visits*	Planning Board	Employees JCC	Inter Island Ferries Board		
	p.m.			TS/Shetland College Board			
16 Nov	20 Nov a.m.			Development Committee	Harbour Board		
	p.m.						
23 Nov	27 Nov a.m.			Services Committee	Audit and Scrutiny Committee		
	p.m.						
30 Nov	4 Dec a.m.			Infrastructure Committee			
	p.m.						
7 Dec	11 Dec a.m.						
	p.m.						

School holidays

2009 Week beginning Monday	Date Week ending Friday	Monday	Tuesday	Wednesday	Thursday	Friday	
14 Dec	18 Dec a.m.			SIC			
	p.m.						
21 Dec	25 Dec a.m.					Public Holiday	
	p.m.						

School holidays

2009 Week beginning Monday	Date Week ending Friday	Monday	Tuesday	Wednesday	Thursday	Friday	
29 Dec 08	02 Jan 09 a.m.				*Public Holiday*	*Public Holiday*	
	p.m.						
5 Jan	9 Jan a.m.						
	p.m.						
12 Jan	16 Jan a.m.		Employees JCC	Planning Board	Inter Island Ferries Board		
	p.m.			TS / Shetland College Board			
19 Jan	23 Jan a.m.				Harbour Board		
	p.m.						
26 Jan	30 Jan a.m.		*Lerwick* *Up Helly Aa* No meetings	*Public Holiday*	Development Committee		
	p.m.						
2 Feb	6 Feb a.m.		Infrastructure Committee	Audit and Scrutiny Committee	Services Committee		
	p.m.						
9 Feb	13 Feb a.m.			Sp Harbour Board			
	p.m.						

FIRST CYCLE (1)

School holidays

2009 Week beginning Monday	Date Week ending Friday	Monday	Tuesday	Wednesday	Thursday	Friday	
16 Feb	20 Feb a.m.			SIC			SECOND CYCLE (2)
	p.m.						
23 Feb	27 Feb a.m.		Employees JCC	Planning Board	Inter Island Ferries Board		
	p.m.			TS / Shetland College Board			
2 Mar	6 Mar a.m.			Harbour Board	Development Committee		
	p.m.						
9 Mar	13 Mar a.m.		Infrastructure Committee	Audit and Scrutiny Committee	Services Committee		
	p.m.				Licensing Sub-Committee		
16 Mar	20 Mar a.m.						
	p.m.						
23 Mar	27 Mar a.m.			SIC			
	p.m.						
30 Mar	3 April a.m.						

School holidays

2009 Week beginning Monday	Date Week ending Friday	Monday	Tuesday	Wednesday	Thursday	Friday	
6 April	10 April a.m.						
	p.m.						
13 April	17 April a.m.	*Public Holiday – Easter Monday*					
	p.m.						
20 April	24 April a.m.		Employees JCC	Planning Board	Inter Island Ferries Board		
	p.m.			TS/Shetland College Board			
27 April	1 May a.m.			Harbour Board	Development Committee		
	p.m.						
4 May	8 May a.m.		Infrastructure Committee	Audit and Scrutiny Committee	Services Committee		THIRD CYCLE (3)
	p.m.						
11 May	15 May a.m.						
	p.m.						
18 May	22 May a.m.			SIC			
	p.m.						

School holidays

2009 Week beginning Monday	Date Week ending Friday	Monday	Tuesday	Wednesday	Thursday	Friday	
25 May	29 May a.m.						
	p.m.						
1 June	5 June a.m.		Employees JCC	Planning Board	Inter Island Ferries Board		
	p.m.			TS/Shetland College Board			
8 June	12 June a.m.			Harbour Board	Development Committee		
	p.m.						
15 June	19 June a.m.		Infrastructure Committee	Audit and Scrutiny Committee	Services Committee		
	p.m.						
22 June	26 June a.m.						
	p.m.						
29 June	3 July a.m.			SIC			
	p.m.						

FOURTH CYCLE (4)

School holidays

2009 Week beginning Monday	Date Week ending Friday	Monday	Tuesday	Wednesday	Thursday	Friday	
6 July	10 July a.m.						SUMMER RECESS
	P.m.						
13 July	17 July a.m.						
	p.m.						
20 July	24 July a.m.						
	p.m.						
27 July	31 July a.m.						
	p.m.						
3 Aug	7 Aug a.m.						
	p.m.						

School holidays

2009 Week beginning Monday	Date Week ending Friday	Monday	Tuesday	Wednesday	Thursday	Friday	
10 Aug	14 Aug a.m.						
	p.m.						
17 Aug	21 Aug a.m.		Employees JCC	Planning Board	Inter Island Ferries Board		
	p.m.			TS/Shetland College Board			
24 Aug	28 Aug a.m.			Harbour Board	Development Committee		
	p.m.						
31 Aug	4 Sept a.m.		Infrastructure Committee	Audit and Scrutiny Committee	Services Committee		
	p.m.						
7 Sept	11 Sept a.m.						
	p.m.						
14 Sept	18 Sept a.m.			SIC			
	p.m.						

FIFTH CYCLE (5)

School holidays

2009 Week beginning Monday	Date Week ending Friday	Monday	Tuesday	Wednesday	Thursday	Friday	
21 Sept	25 Sept a.m.		Employees JCC	Planning Board	Inter Island Ferries Board		
	p.m.			TS/Shetland College Board			
28 Sept	2 Oct a.m.			Harbour Board	Development Committee		
	p.m.						
5 Oct	9 Oct a.m.		Infrastructure Services	Audit & Scrutiny Committee	Services Committee		
	p.m.						
12 Oct	16 Oct a.m.						
	p.m.						
19 Oct	23 Oct a.m.						
	p.m.						
26 Oct	30 Oct a.m.			SIC			
	p.m.						

SIXTH CYCLE (6)

School holidays

- 137 -

2009 Week beginning Monday	Date Week ending Friday	Monday	Tuesday	Wednesday	Thursday	Friday	
2 Nov	6 Nov a.m.						
	p.m.						
9 Nov	13 Nov a.m.		Employees JCC	Planning Board	Inter Island Ferries Board		
	p.m.			TS/Shetland College Board			
16 Nov	20 Nov a.m.			Harbour Board	Development Committee		
	p.m.						
23 Nov	27 Nov a.m.		Infrastructure Committee	Audit and Scrutiny Committee	Services Committee		
	p.m.						
30 Nov	4 Dec a.m.						
	p.m.						
7 Dec	11 Dec a.m.			SIC			
	p.m.						

SEVENTH CYCLE (7)

==School holidays==

2009 Week beginning Monday	Date Week ending Friday	Monday	Tuesday	Wednesday	Thursday	Friday	
14 Dec	18 Dec a.m.						
	p.m.						
21 Dec	25 Dec a.m.					Public Holiday	
	p.m.						

School holidays

Shetland
Islands Council

REPORT

To: **Shetland Islands Council**   **22 October 2008**

From: **Head of Legal and Administration**

Report No: LA-50-F

Scottish Government Consultation on the Reform of the Children's Hearings System – SIC Response

1.   Introduction

1.1   This report asks Members to approve a response to the Scottish Government Consultation entitled "Strengthening for the Future – A consultation on the reform of the Children's Hearings System".

1.2   A copy of the Consultation Paper is appended to this report **(Appendix 1)**.

1.3   A proposed response, subject to amendment by Members, is attached as **Appendix 2** to this report.   The deadline for the submission of responses is 24 October 2008.

1.4   The draft response appended to the report has been prepared taking account of the views of those involved with the Children's Hearings System locally, including the Children's Panel Advisory Committee (CPAC), the Children's Panel Chair and Reporter, and Safeguarders.

2.   Link to Council Priorities

2.1   This report relates to priorities in the Council's Corporate Plan in contributing to enabling children in Shetland to live full, healthy, safe, active and responsible lives in their community; in being more creative and flexible in the way national policy is delivered; and in allowing high quality services to continue to be delivered to the people of Shetland.

3.   Background

3.1   The then Scottish Executive commenced a review of the Children's Hearings System (CHS) entitled "Getting It Right For Every Child" (GIRFEC) in 2004. The consultation responses to GIRFEC helped inform the Draft Children's Services (Scotland) Bill which was published in December 2006.

3.2   Subject to the outcome of the current consultations, the Scottish Government now intend to introduce a Bill to establish a new national body for the CHS, bringing together the functions currently carried out by the Scottish Children's Reporter Administration (SCRA), 32 Children's Panels and associated bodies, the Scottish Government and local authorities.

3.3   The Scottish Government states that it is clear that the CHS remains the best way of providing support and assistance to Scotland's vulnerable children and to their families. Its proposals are aimed at "improving the support provided by the CHS through a more streamlined approach which focuses the efforts of everyone involved on the children themselves, delivers in partnership consistent and effective decision-making throughout Scotland, reduces bureaucracy and drift and, in the longer term, helps deliver effectively to achieve better outcomes for the children who are involved in the CHS".

3.4   The Scottish Government is of the view that the current CHS system, consisting of 32 each of Children's Panels, CPACs and Panels of Safeguarders throughout Scotland, and with Children's Hearings Reporters placed within a Non Departmental Public Body (SCRA), is overly bureaucratic and has resulted in reduced flexibility and added nothing to the outcomes for children.

3.5   Government research has also shown that support for Panel members varies considerably over the 32 local authority areas. The Scottish Government is of the view that this has created inequalities across the system which can adversely affect the quality of Panel Member practice. The Scottish Government argues that the current structures are too complex and have unclear accountabilities, and that the correct way forward is to have a dedicated supporting national body, as is the case with other tribunals in Scotland.

3.6   It should be noted that the Children's Panel Members and CPAC members are all volunteers. They are entitled to claim expenses only although there is some provision for loss of earnings. Safeguarders are currently paid a fixed fee for their work.

4.   **Current Position and Proposals**

Local Authority
4.1   At the moment, local authorities are responsible for providing the Children's Panel Chair and the CPAC with administrative resources and support. The local authority is responsible for paying the expenses of Panel Members and CPAC Members in respect of attendance at hearings, financial loss and subsistence expenses. Attendance at training events and associated expenses are also paid for by the local authority. Each local authority appoints a Clerk to the CPAC to carry out the administration of the CPAC's work.

4.2   The proposed future role for local authorities, set out on page 12 of the consultation document, is restricted to two key roles. The first is

to give effect to decisions made at Children's Hearings and the second is to promote the CHS to local communities and to raise public awareness and understanding. It is proposed that the provision of in-service training to Panel Members and the setting and payment of volunteers' expenses will become the responsibility of the national body.

CPAC

4.3 Each CPAC consists of at least two members nominated by the local authority (currently Councillors F B Grains and C L Smith locally), and three members nominated by Scottish Ministers.

4.4 At the moment, the CPAC plays a key role locally in the recruitment, reappointment and monitoring of Panel members, and in advising on such matters relating to the general administration of the Children's Panel as may be referred to them. Scottish Ministers have referred the following matters to the CPAC for advice:

- the volume of work which may be expected to fall upon each Panel
- the number of members to be appointed to the Panel
- the duration of appointments and reappointments of Panel Members
- the candidates to be considered for appointment of Panel Chairs and Deputies
- the satisfactory completion of pre-appointment training
- the action to be taken in any circumstances which may cast doubt on the fitness of a Panel Member to serve
- the extent to which any further training for Panel Members may be needed

4.5 There is little indication in the consultation document as to how the Scottish Government intends to deliver these functions in practice in the future, but there is no reference to a future role for CPACs. Many of the concerns arising from the consultation exercise relate to the practical implications of a national body carrying out these roles without some sort of local involvement, and these concerns are particularly relevant to remote and rural areas such as Shetland.

4.6 The Scottish Government's proposals do state that the new national body, provisionally to be called the Scottish Children's Hearings Agency, should facilitate the "recruitment, training and monitoring of Panel members". It is also proposed that a new post – President of the Children's Panel – should be established, and that this person will be responsible for "the recruitment, appointment and training of Panel members; for quality assuring the decision-making function of Panels; and for setting the level and ensuring payment of Panel members' expenses". However, as above, there is no indication as to how these proposals will be delivered in practical terms in local areas.

Children's Panel

4.7 It is proposed that the President of the Children's Panel will be responsible for securing local arrangements for the Panel member

rota, and that this will "require the appointment of local co-ordinators or team leaders, appointed by, and accountable to, the President".

4.8 The Children's Panel Chair is currently responsible for securing these arrangements locally, as well as carrying out other roles including pastoral support to Panel Members and liaising with other bodies/agencies who have dealings with the CHS.

Panel Of Safeguarders

4.9 The local authority is also currently responsible for maintaining a Panel of Safeguarders. This includes the recruitment and reappointment of Safeguarders, the payment of fees, expenses and allowances, and the provision of training (through the Children's Hearings Training Unit). A Safeguarder may be appointed by a Children's Hearings or a Sheriff, and his/her role is to provide an independent assessment of the child's best interests.

4.10 It is proposed that a single national Panel of Safeguarders will be created, which would be responsible for the recruitment, training, remuneration and allocation of Safeguarders to cases, as well as setting and defining "best practice" and the monitoring of performance.

5. Considerations

5.1 The proposals in the report relating to the creation of a single national body to administer the CHS and the reduced administrative and support role for local authorities would undoubtedly free up resources within the Legal and Administration Service to address other work.

5.2 However there is considerable anxiety locally, and in other areas, relating to the lack of detail in the consultation document as to how the Scottish Government would intend to carry out what are currently the locally-based functions in the future.

5.3 The proposed response to the consultation paper has been prepared taking into account the views of those involved with the CHS locally. Whilst it can probably be said that there is a general feeling that there is a need for standardised practices and procedures across the CHS, and for the support provided by local authorities to be consistent across the country, it is suggested that this can be achieved by other means and that it does not require a radical overhaul of the CHS.

5.4 There are also considerable concerns that the proposals will result in the loss of the Panel's 'local face', and that it will prove to be impractical and not feasible for a centrally managed body to try and carry out all the functions which are currently delivered at a local level by volunteers and the local authority. This is particularly relevant to rural and island communities.

6. Financial Implications

6.1 The combined budget relating to the Children's Panel, CPAC and Safeguarders is £30,650 for 2008/09. It can be difficult to manage as it is a demand led budget and demands vary from year to year.

6.2 There are no indications in the consultation document as to the funding implications in the future.

6.3 There are no direct financial implications arising as a result of this report.

7. Policy and Delegated Authority

7.1 In accordance with Section 13 of the Council's Scheme of Delegations, all matters pertaining to children and young people's services stand referred to the Services Committee. However due to the timescales involved in collating responses from other parties, it has been necessary to present the response directly to Shetland Islands Council rather than through the Services Committee.

6. Recommendation

6.1 I recommend that Shetland Islands Council considers the proposed response to the Scottish Government's consultation paper on the reform of the CHS, and approves its submission to the Scottish Government as the Council's response, subject to any amendments Members wish to make.

Date: 14 September 2008   Report No: LA-50-F

—

Our ref: CRES 1041

31 July 2008

Dear Consultee

Strengthening for the Future:
A consultation on the reform of the Children's Hearings System

This letter invites you to have your say in how we, the Scottish Government, propose to modernise and strengthen the Children's Hearings System including the establishment of a new national body to support and administer the system.

The Scottish Government is clear that the Children's Hearings system remains the best way of providing support and assistance to Scotland's vulnerable children and to their families, but we believe that the time is now right to reform the system.

We enclose a Consultation Paper seeking views on our proposals which require legislative changes to secure structural reforms. The proposals also require changes in practice which can be taken forward without the need to legislate.

The consultation period will last for 12 weeks. Subject to the outcome of the consultation, we will introduce a Bill to establish a new national body that brings together the functions currently carried out by the Scottish Children's Reporter Administration, 32 Children's Panels and associated bodies, the Scottish Government and local authorities. This will ensure that children's rights are properly upheld within the Children's Hearings system.

If you have any queries please contact myself or Gaynor Davenport on 0131-244-1583 or Eleanor Manson on 0131-244-5092.

I hope that you will take the time to participate in the consultation and would like to thank you in advance for your contribution.

DENISE SWANSON
HEAD OF CHILDREN'S HEARINGS BRANCH

STRENGTHENING FOR THE FUTURE

A CONSULTATION ON THE REFORM OF THE CHILDREN'S HEARINGS SYSTEM

The Scottish Government

STRENGTHENING FOR THE FUTURE

A CONSULTATION ON THE REFORM OF THE CHILDREN'S HEARINGS SYSTEM

The Scottish Government, Edinburgh 2008

Contents

2

FOREWORD

The care of Scotland's children is one of our most important responsibilities. For more than 35 years Scotland has enjoyed a distinctive system of justice and care for children, the Children's Hearings system, which has been visited and studied by politicians, academics and service providers from all over the world. The philosophy of the Children's Hearings system was established in the Kilbrandon Report of 1964 and recognises that children who offend and those who require care and protection are equally deserving to be considered as children in need.

We believe that philosophy remains as true today. It underpins the approach in *Getting it right for every child.* However, we also recognise that much has changed in the intervening years. Political structures have changed; our expectations and aspirations have grown; and, for many, our society is a better place. Despite this, many children and young people continue to face adversity and to struggle, on a scale previously unknown, with problems associated with disadvantage, neglect and abuse, and with behaviour which is damaging to themselves and to others.

The Scottish Government is clear that the Children's Hearings system remains the best way of providing support and assistance to Scotland's vulnerable children and to their families. We have already taken steps to improve children's services, and placed children and families at the heart of the national outcomes which local authorities are committed to taking forward through their Single Outcome Agreements.

More specifically, however, we believe that the time is now right to reform and strengthen the Children's Hearings system. We will modernise it, where necessary, to ensure it is fit to deliver its vital purpose in the 21st century and to make its particular contribution to our shared agenda of improving the life chances of children, young people and families at risk.

3

This paper sets out proposals for action aimed at improving the support provided by the Children's Hearings system, through a more streamlined approach which focuses the efforts of everyone involved on the children themselves, delivers in partnership consistent and effective decision-making throughout Scotland, reduces bureaucracy and drift and, in the longer term, helps deliver effectively to achieve better outcomes for the children who are involved in the Children's Hearings system.

Fiona Hyslop MSP

Cabinet Secretary for Education and Lifelong Learning

THE PURPOSE OF GOVERNMENT

The Scottish budget document, published in November 2007, defines a central purpose of *focusing Government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.* Sustainable economic growth does not just mean building up a rich economy - it will also mean building up a rich and responsible society.

The new Government Economic Strategy is central to the delivery of our overall Purpose. The delivery of the Government's Purpose will be supported by five strategic objectives - to make Scotland wealthier & fairer, smarter, healthier, safer & stronger and greener. These, in turn, are supported by fifteen national outcomes which describe in more detail what the government wants to achieve over a ten year period. Reform of the Children's Hearings system will contribute to all five strategic objectives and most, if not all, of the national outcomes.[1]

Within the Government Economic Strategy five strategic priorities have been identified as being critical to economic growth. These are learning, skills & wellbeing; a supportive business environment; infrastructure development and place; effective government; and equity. The contribution of the Children's Hearings system is most readily identifiable through the learning, skills and wellbeing strand, and it will make a major contribution to achieving equity.

The Government Economic Strategy sets out targets for improving solidarity and cohesion. These are: to increase overall income and the proportion of income earned by the three lowest income deciles as a group by 2017; and to narrow the gap in participation between Scotland's best and worst performing regions by 2017. We believe that the interventions provided by the Children's Hearings system, to provide support and assistance to vulnerable children and families and improve their life chances, will contribute to achieving these objectives. It is self-evidently right that we should work with these families and children to reduce their vulnerability, but in doing so, we also increase their capacity to contribute to our ambitions for our country and our communities.

---

[1] Strategic Objectives and National Outcomes are available on the Scottish Government Website at http://www.scotland.gov.uk/About/scotPerforms

5

INTRODUCTION AND POLICY BACKGROUND

Introduction

Giving children the best start in life and improving the life chances of children, young people and families at risk will make a major contribution to delivering the solidarity and cohesion that we want to see in Scottish society. The Children's Hearings system has a substantial contribution to make to the delivery of the Government's Purpose.

Through *Getting it right for every child* we are seeking to achieve changes in the cultures, practices and systems of services affecting **all** children. For those whose activities impact on children, *Getting it right for every child* is developing an approach which will promote how to work in a way which delivers improved outcomes for children and young people. Earlier this year we announced our intention to focus on giving **all** children the best start in life. The framework we announced in March is intended to develop what needs to be done to support early years work and early intervention.

We are also acting to improve a wide range of services focussed on children in need - improving outcomes for looked after children; developing a more coherent approach to addressing the problems of children affected by substance misuse; providing support for kinship care; through Preventing Offending by Young People: A Framework for Action, we will strengthen all aspects of the youth justice agenda from prevention through to high risk and will carefully consider the Prisons Commission's recommendations on the ways we might deal with our young offenders in the future.

The Children's Hearings system sits at the centre of this network of policies and services, providing the gateway into support and services for those children who are most in need and may require compulsory measures of care and support. Within this context, the Scottish Government's overall objective is to introduce a coherent package of measures which will strengthen and modernise the Children's Hearings system and enable it to continue to play a central role in improving the lives of vulnerable children into the future.

6

Why change?

When local government was reorganised in 1996, the structure of the Children's Hearings system was partially reformed. The Children's Reporters were taken out of local control and placed within a Non-Departmental Public Body – the Scottish Children's Reporter Administration. The children's and Safeguarder panels however moved from a regional basis (12 children's panels, 12 Children's Panel Advisory Committees (CPACs) and 12 Safeguarder panels) to 32 Children's Panels, 30 CPACs and 32 Panels of Safeguarders.

This caused a considerable increase in bureaucracy as each children's panel required a chairman and at least one deputy, the number of CPAC members had to be significantly increased and separate processes had to be created for each panel of Safeguarders. In short, the change generated bureaucracy, reduced flexibility and added nothing to outcomes for children.

By any measure the Children's Panel is Scotland's largest tribunal. On a daily basis children's hearings take life changing decisions affecting vulnerable and troubled children and their families. Yet the support for Panel members varies enormously between the 32 local areas.

A critical result of this is that there is wide variation in the volume and quality of in-service training available to volunteer Panel members at present, creating inequalities across the system which can adversely affect the quality of panel member practice. Local Panel members have a right to expect the best possible training and continuing support, to help them deliver the high quality decisions needed to deal with the increasingly complex cases which are brought to Children's Hearings.

 We want the decision-makers - Children's Reporters and Panel members - to be supported. The system rightly places a high value on the contribution of the community in taking decisions about children. However, too often the behaviours generated by an over-dependence on local support and the absence of underpinning standards mean this value is undermined. We think the current structures are over-complex and have unclear accountabilities. Both of these factors work against sustained leadership either locally or across the system.

Other tribunals operating in Scotland have a dedicated supporting national body and we think this is the right way forward for the Children's Hearings system.

What must remain

The three overarching principles governing the operation of the Children's Hearing system are that:

- the welfare of the child is the paramount consideration;

- the child's views must be taken into account where major decisions are to be made about his or her future;

- no supervision requirement should be made unless to do so would be better for the child than making no supervision requirement at all.

These core principles remain at the heart of our proposals.

We also intend to retain the position of Reporters and of the Principal Reporter, and we remain committed to the involvement of unpaid trained volunteers, representative of Scotland's communities, as the Panel members who make the decisions at local Children's Hearings.

We wish to ensure that the Children's Hearings system continues to be best placed to make its particular contribution to the well-being of Scotland's communities. Our proposed reforms will provide consistency within the system and a strong focus on quality assurance, whilst retaining local delivery and the involvement of volunteers with an understanding of local communities and the needs of those living within those communities.

Crucially, our policies, programmes, frameworks and reforms will together ensure that professionals and volunteers working in the Children's Hearings system are well-placed to decide when a compulsory intervention is necessary and what measures of care should apply to address needs and behaviour.

By building on the strengths of the current system and ensuring that it focuses more firmly on improving life chances for the children and families with whom it works, the Children's Hearings system can contribute to securing the transformational change which is now needed.

8

Our Priorities

Our priorities are to:

- ensure that the professionals and volunteers who make up the Children's Hearings system are able to focus their particular skills on the needs of children, through changed structural arrangements which provide clear accountabilities, reduce bureaucracy and remove unnecessary administrative burdens;

- demonstrate the high value the Scottish Government places on children referred to the system by providing Reporters and the volunteers in the system with better support;

- improve the effectiveness of the system through procedural change, making it more agile and less bureaucratic;

- work with communities to help them to understand and support young people whilst protecting the safety and peace of local neighbourhoods.

How will we do it?

Our proposals to strengthen and modernise the Children's Hearings system require **legislative changes** to secure the structural reforms we seek. They also require **changes in practice**, which can be taken forward without recourse to legislation.

Subject to the outcome of this consultation, we intend to introduce a Bill to establish a new national body, bringing together the functions currently carried out by the Scottish Children's Reporter Administration, 32 Children's Panels and associated bodies, the Scottish Government and local authorities, and to ensure that children's rights are properly upheld within the Children's Hearings system.

9

We will also take action to improve practice in the interim. Some of this is already underway. We have already set in place a project to bring forward changes to the frequency of hearings,[2] and another to improve the continuity of Panel members when a decision is deferred from one hearing to another.[3] These developments will be rolled out throughout Scotland in the course of 2008, following specific training for all involved.

We will continue to support these efforts to bring about change within the existing system, whilst pressing forward on further activity to deliver improvement in the short term, in advance of our planned structural reforms.

Real change will require commitment and leadership from all those involved in delivery of the Children's Hearings system. The Scottish Government already meets formally with other partners involved in delivering the Hearings system, and will continue to do so.

In addition, we intend to establish a Strategic Project Board, chaired by the Minister for Children and Early Years, to oversee the development of the legislation and advise the Scottish Government on the implementation of the new system. The Project Board will include representatives from the Convention of Scottish Local Authorities (CoSLA) and SCRA, a Children's Panel representative and other key stakeholders.

We will also work with local authorities, through existing community planning arrangements, to ensure that the views and voices of community groups, families and children inform the reform programme.

The details of our proposals for structural reform and practice change are set out below.

---

[2] Proposal Twelve in the Draft Children's Services (Scotland) Bill consultation - The draft Children's Services (Scotland) Bill and reports on the consultation responses can be found on the Scottish Government Website at
www.scotland.gov.uk/Topics/People/Young-People/childrensservices/girfec/publications

[3] Proposal Eighteen in the Draft Children's Services (Scotland) Bill consultation

PART ONE: STRUCTURAL CHANGE, A NATIONAL BODY

Background

On 18 January 2008, the Scottish Government announced a radical proposal to create a single body to undertake the functions currently delivered by the Scottish Children's Reporter Administration, the Children's Panels and the Children's Panel Advisory Committees (CPACs). We also intend to bring the Panels of Safeguarders within the ambit of the new body. At the time of this announcement, which received widespread support from key stakeholders, Ministers made clear their continuing commitment to local delivery of Children's Hearings.

Following this announcement, the Scottish Government embarked on a programme of bilateral meetings with key stakeholders to develop its thinking on the broad thrust of the reforms and to firm up the more detailed proposals contained in this document. An important aspect of these discussions has been the exploration of the respective roles of the Scottish Government and of local government.

The Role of the Scottish Government

In order to ensure the decision-makers are independent from Government, the new national body will be a Non-Departmental Public Body (NDPB). The Scottish Government will therefore have responsibility for setting the strategic direction of this body, for providing resources and for the sponsorship of the body through a set of corporate governance arrangements, e.g. agreeing organisational objectives and outcomes. The Government will also be responsible for making appointments to the Board of the new body through the Public Appointments process.

In light of the establishment of the national body the Scottish Government will cease to be directly involved in the recruitment and appointment of Panel members and in national recruitment campaigns.

Q1. What is your opinion on these proposals for Government's role in the future?

The Role of Local Government

Local government will continue to have two key roles to play. As now, local government will be responsible for giving effect to the decisions made by a children's hearing. This will involve delivering or securing services to children and families focussed on meeting the needs of each child and working with children and their families to address and resolve problems. It will be essential for the different parts of local government to work effectively together, and to work with other agencies in order to deliver the decisions of the hearings and provide children and families with the necessary support and assistance.

Local government already has a role in relation to promoting the Children's Hearings system to local communities, raising public awareness and understanding, and stimulating interest amongst local people in volunteering as Panel members. We propose that this should become a more substantial focus of local authority activity, in partnership with local Reporters and with the new national body.

We think that the community planning and Children's Services planning arrangements provide an ideal forum for drawing together the bodies and individuals with key contributions to make to ensuring the effectiveness of the Children's Hearings system locally. We see local partnership between the various players as being a key component in ensuring the needs of vulnerable children are met.

In light of the establishment of the national body to ensure appropriate consistency within the Children's Hearings system, we propose that local authorities should no longer be responsible for the provision of in-service training to volunteer Panel members nor for the setting and payment of volunteers' expenses. All of these functions will become the responsibility of the national body.

Local authorities will retain responsibility for giving effect to Panel decisions, and we propose that they should have an enhanced role in promoting the Children's Hearings system locally, and in developing effective partnerships to meet the needs of vulnerable children locally.

Q2. What is your opinion on the proposals for local government's role?

The New Body – The Children's Hearings Agency

We propose that a new body, provisionally to be called the Scottish Children's Hearings Agency, should be set up to facilitate the functions of the Principal Reporter, the Children's Panel, Safeguarders and possibly legal representation of children appearing at hearings.

This will involve the provision of accommodation for children's hearings throughout the country; employment of staff, including office-holders; "backroom" functions such as HR, finance, IT, and planning; the recruitment, training and monitoring of Panel members; and quality assurance of Panel decision-making. The new body will be a Non-Departmental Public Body (NDPB) and will employ staff, including the office-holders on terms and conditions to be approved by the Scottish Government.

The body will be overseen by a Board whose members will be appointed by Scottish Ministers through the Public Appointments process. It is suggested that the Board should have a Chair and Deputy Chair and between 5 and 8 other members. Specific legislative provision will be required to ensure that the Board of the new body has no influence over the decision-making functions of the Principal Reporter, children's panel or Safeguarders. This point is addressed in greater detail below.

Q3. We invite views on the nature, functions and title of the new body.

Independence of Functions and ECHR Compliance

In creating the new body it will be essential that the current independence of the decision-making functions (currently exercised initially by the Principal Reporter and local Reporters as authorised by the Principal Reporter, and at the hearings themselves by Panel members) is secured within the new arrangements. This is one element in ensuring the continuing compatibility of the Children's Hearings system with the provisions of ECHR.

This requires consideration of the individual functions undertaken by the existing bodies and exploration of how these might be appropriately delivered through the new national body. In broad terms, we think it will be necessary to secure appropriate separation of the functions and responsibilities of Reporters (including the Principal Reporter and local

13

Reporters); of the members of the Children's Panel (the volunteers); the proposed President of the Panel; all appointments, training and quality assurance functions in relation to the Panel; and of the appointments and functions of Safeguarders and legal representatives.

Similar issues were addressed in the Local Government etc. (Scotland) Act 1994, which established the SCRA. Section 128(8) of that Act states that

> "Nothing in this section or any other provision of this Act shall be taken as authorising the Administration [SCRA] to direct or guide the Principal Reporter in the performance of his functions under the Children (Scotland) Act 1995 and any other enactment conferring functions upon him."

This offers a model for addressing through legislation the issue of separation of functions and independence.

These separations will require to be reflected legislatively, structurally and in the performance of day-to-day responsibilities. In our discussions to date with stakeholders we have described the necessary separation as "firewalls", and will continue to use this term for the sake of simplicity.

The Scottish Government will give further consideration to this issue in the light of consultation responses which will be essential as we move, in due course, to more detailed consideration of the business model to be implemented within the new body to ensure ECHR compliance.

Q4. Do you have any thoughts on how the necessary separation ("firewalls") can be achieved in the structure and day-to-day business of the new body?

The Chief Executive Officer (CEO)

This post will be the chief operating officer of the Scottish Children's Hearings Agency, and will have overall responsibility for the efficient operation of the new body in the exercise of all its administrative functions e.g. HR, finance, procurement, legal services and IT functions, throughout Scotland. The CEO will be responsible for the staff carrying out these functions within the new body, and will be accountable to the Board of the Scottish Children's Hearings Agency. The CEO will have no authority in relation to the exercise of the professional responsibilities of the Principal Reporter nor will the CEO have any authority in respect

of the exercise of the functions proposed for the new post of President of the Children's Panel.

Q5. What are your views on the proposed role and functions of the Chief Executive Officer?

Principal Reporter and Reporters

The Principal Reporter will be employed by the Board of the new body, and will continue to have statutory decision-making functions as currently defined in the Children (Scotland) Act 1995 and the Criminal Procedure (Scotland) Act 1995. As at present, the Principal Reporter (and such senior Reporter staff as may be designated) will continue to have a right of appeal to Scottish Ministers in the event of the post holder being dismissed from employment by the Board.

The role of the Children's Reporter, acting under the authority of the Principal Reporter, is to investigate a child's circumstances following a referral by any individual. In the light of that investigation the Reporter must decide whether there may be a need for a compulsory intervention in the child's life. If so, the Reporter will refer the matter on to a children's hearing.

Reporters currently make decisions about the scheduling of hearings, including the number of cases to be heard. The Reporter is required by law to take a note of proceedings of a hearing, covering a range of matters specified in the 1996 Rules. This note is intended to assist the Reporter in the event of an appeal. The Reporter will act at Court in the event of grounds being denied or an appeal being made.

Over time, the practice has evolved of the reporter also offering legal and/or procedural advice at a hearing, following his or her determination that a referral is appropriate. This role is not set out in the 1995 Act.

The proposed reforms provide an opportunity to re-examine aspects of the current role of the Reporter and to consider how to make best use of the special expertise of Reporters and to ensure appropriate separation of functions.

Some commentators have expressed concerns about the current practice of the Reporter offering legal or procedural advice at a hearing, and have suggested that this practice may not provide sufficient separation of functions in the light of ECHR provisions. In essence, they

15

suggest that since the Reporter is responsible for deciding whether a child should be referred to a hearing, he or she should not be able to offer legal or procedural advice to the Panel members at that hearing. As noted above, this role is not enshrined in legislation but has evolved over time.

The Scottish Government believes that the current arrangements conform with the requirements of ECHR. However, given such concerns and the fact that the structural changes we are proposing would bring Reporters and Panel members together in a single organisation, this is an important opportunity to consider how the proposed structures can address these concerns and minimise any future risk of challenge to the Children's Hearings system on that basis.

The Scottish Government will give further consideration to this issue in the light of consultation responses which will be essential as we move, in due course, to more detailed consideration to ensure ECHR compliance.

In particular, in moving forward with the reforms, it seems clear that, in order to protect the independence of advice and support given to children and families, the role currently fulfilled by Reporters during different elements of a hearing require to be separated both in terms of practice and accountability.

This could be achieved by separating out the tasks currently undertaken by Reporters prior to, during and after a hearing. Two separate teams of Reporters could be established through legislation. One team would deal solely with determining the need for referral to a hearing and appeals to the Court (accountable to the Principal Reporter) and the other team would solely provide legal or procedural advice at hearings (accountable to the President of the Children's Panel).

Another option would be to clarify simply in law that Reporters should not provide legal or procedural advice and leave it for Panels to make other local arrangements for the provision of this function. We think this would lead to differential and inconsistent practices developing at hearings, which would run counter to the spirit of the rest of our proposed reforms.   As a result, we do not support this option.

Q6.   We invite comment on the options outlined above. Do you have any other suggestions about how the concerns about separation of functions might be addressed? Are there other functions which need to be re-considered or re-allocated?

16

President of the Children's Panel

We propose to establish a new post - the President of the Children's Panel - to be employed by the Board of the new body. We propose that the President should be responsible for: the recruitment, appointment and training of Panel members; for quality assuring the decision-making function of Panels; and for setting the level and ensuring payment of Panel members' expenses. These responsibilities are currently assigned variously to Scottish Ministers, local authorities and CPACs.

We see these as key functions in securing a more equitable and consistent national approach to the exercise of Panel responsibilities.

The President of the Children's Panel would also be responsible for removing Panel members, but only with the consent of the Lord President of the Court of Session.

We propose that the President should also be responsible for securing local arrangements for the Panel member rota (a role currently undertaken by the Chair of the Children's Panel). This will require the appointment of local co-ordinators or team leaders, appointed by, and accountable to, the President.

New powers would be needed to permit the President to specify "best practice" and to determine the content of training.

Q7. What are your views on these proposals?

Safeguarders

The role of the Safeguarder is to act in the child's best interests. This role will be unchanged. A Safeguarder may be appointed for a child by a children's hearing, or by a Sheriff in hearings-related court cases.

Safeguarders provide children's hearings and courts with an independent assessment of what is in the child's best interests. On average, around 1 child in 5 attending a hearing receives the services of a Safeguarder. The Scottish Government considers that Safeguarders are an integral and key element of the Children's Hearings system. We therefore propose to bring Safeguarders within the ambit of the national body.

Safeguarders are currently appointed to local Panels by the local authority - with cases being allocated following decisions made by

17

children's hearings or Sheriffs. Training is available for Safeguarders (pre- and in-service). However no provision currently exists to agree remuneration and best practice nationally, to deal with complaints or to monitor performance.

We propose to create a single panel of Safeguarders - to be employed by the Board of the new body - under the discrete management of an employee appointed for that purpose.

Although they would constitute a single, national panel, we propose that individual Safeguarders should be able to indicate the local areas where they are willing to accept appointments.

A single national panel of Safeguarders would require the creation of a discrete element within the new national body in order to secure the necessary degree of independence for the function. This arm of the national body would be responsible for recruiting individuals as Safeguarders and for training, allocating cases, remuneration, setting and defining "best practice" as well as monitoring performance.

Sheriffs and children's hearings would remain free to choose whether to appoint a Safeguarder, as is currently the case.

Q8.   What are your views of these proposals?

18

PART TWO: POLICY AND LEGISLATIVE CHANGES

New statutory system on the legal representation of children:

Legal representation is considered necessary where a children's hearing is giving active consideration to placing a child in secure accommodation and/or complex legal issues are at play.

The current interim scheme, which was introduced in 2002, is based on legal aid arrangements for court settings and is rather basic which has given rise to some concerns about both access and quality.

At present, legal representatives are drawn from members of the panels of Safeguarders and Curators ad Litem and Reporting Officers. As set out above, we are proposing that Panels of Safeguarders should be subsumed within the new national body. It is therefore necessary to consider how legal representation should be supported in a permanent scheme.

Researchers are currently examining the experience of the current system of legal representation by the users of these services - children, families, solicitors, panel members and reporters. This research will report in Autumn 2008 and will inform further consideration as to how legal representation can most effectively be supported in the context of the Children's Hearings system.

We believe the nature of the legal representative's role at hearings should reflect particular circumstances and needs of children as clients of legal representation.   The nature of a children's hearing is fundamentally different to a court. We suggest that the role of the legal representative is similarly different. One option might be to develop a bespoke code of practice for legal representatives acting on behalf of children and young people at children's hearings.   Such a code would need to be approved by the Law Society of Scotland.   We will consider this matter further in the light of responses to this consultation, and the outcome of the research referred to above.

Q9. We invite views on the best way to provide an appropriate, statutory scheme for legal representation of children and young people (in the circumstances specified above) who are involved in the Children's Hearings system.

19

Withholding information provided by the child

The rights of parents and others involved in a children's hearing to full information about a child has led to the disclosure of information that may place children at risk. At present, where a child passes on a view or shares information with the children's Reporter or the children's hearing, the full substance of the communication **must** be shared with the parents.

Previous consultation on the Children's Services (Scotland) Bill contained a proposal to legislate to enable children's hearings and Reporters to withhold information provided by the child when they considered its release would place a child at risk. Almost 90% of respondents expressed support for this proposal. A similarly high proportion of respondents stated that they felt the proposal would meet the objectives.

The Scottish Government proposes to bring forward such a provision in draft legislation

Q10. What are your views on this proposal?

Streamlining the establishment of the grounds for referral

At present where a child is too young, not sufficiently mature or does not understand the grounds for referral, but the parents accept them, it is necessary for a proof hearing to be arranged at the Sheriff Court. Procedurally, this must be preceded by a children's hearing.

We consider this process causes unnecessary delay. Once again, consultation on the Children's Services (Scotland) Bill proposed a solution to streamline the establishment of the grounds for referral. This received widespread support with 86% of respondents in favour of the proposal.

The Scottish Government proposes to bring forward such a provision in its draft legislation.

Q11. What are your views on this proposal?

20

Procedural Changes to the Children's Hearings system

At present, if a children's hearing is unable to dispose of a case and considers it necessary to detain a child in a place of safety, the appropriate provision under which to grant a warrant is generally determined by the reason why the hearing is unable to dispose of the case. The appropriate provision may therefore vary at subsequent hearings. The reason for a hearing being unable to dispose of a case will often not be known in advance of the hearing.

The current warrant provisions are complex and can be difficult to manage. The proposed reforms provide an opportunity to simplify the structure of the warrant provisions and ensure that no child in need of detention in a place of safety is disadvantaged because of technicalities around which warrant provision the hearing relied upon. We therefore propose to bring forward amended warrant provisions.

We also propose to bring forward another change which was consulted on in the draft Children's Services (Scotland) Bill. This is in relation to section 63 of the Children (Scotland) Act 1995.

At present, where a child has been detained by the police in a place of safety and it is decided charges are not to be proceeded through the court, the Principal Reporter must on the same day as the information is received decide whether compulsory measures of supervision are required (and if so arrange a hearing to take place within 3 days). A difficulty arises if the Principal Reporter does not have sufficient information to take an informed decision at that time. In that case, the default position is the child is released with no further possibility of a hearing.

It is therefore proposed that the Principal Reporter should be able to release the child from detention in the place of safety while being able to continue to investigate matters and to decide (under s56 of the Children (Scotland) Act 1995) at a later date whether to arrange a hearing.

The Scottish Government proposes to bring forward such a provision in its draft legislation.

Q12. Do you agree these are areas which should be addressed?

Papers for children

In the *S Case,* the Court considered that children should have a fettered right of access to reports. The Principal Reporter gave an assurance that a scheme would be promoted to enable this to happen. However, while an administrative based scheme has been promoted, children still have no statutory right of access to the reports - unlike parents. We propose to remedy this in our draft legislation.

Q13. Do you agree that the Scottish Government should bring forward such a provision in the draft Bill?

Other legislative implications

A raft of primary and secondary legislation would require significant amendment including the Children (Scotland) Act 1995, the Local Government etc. (Scotland) Act 1994, the Criminal Procedure (Scotland) Act 1995, the Children's Hearings (Scotland) Rules 1996, the Children's Hearings (Legal Representations) (Scotland) Rules 2002, and the Panels of Persons to Safeguard the Interests of Children (Scotland) Regulations 2001.

Q14. Are there any other issues which you think might be addressed in the reform programme or proposed legislation?

PART THREE: REGULATORY IMPACT ASSESSMENT (RIA)

Further consultation on the key provisions of the draft Children's Hearings (Scotland) Bill is planned for the early part of 2009. An RIA will be incorporated within that process. This will identify and analyse the benefits, risks, costs and compliance issues arising from the various proposals that may have implications for resources.

Equality and Equal Opportunities

We do not believe there will be any implications for the issues of equality, equity and fairness in the proposals which are being developed. However, in bringing forward a draft Bill, equality and equal opportunities issues will be considered in the light of the detailed proposals.

Resources for Local Authorities

It has been estimated that local authorities currently spend around £3m per year on supporting the work of the Children's Panels and CPACs. We are confident this continuing level of funding would fully meet any pressure of increased activity in relation to promoting the work of the Children's Hearings system since that increase would be offset by the proposed removal of the local authorities' current responsibilities for in-service training of the volunteers and payment of their expenses.

23

PART FOUR: THE SCOTTISH GOVERNMENT CONSULTATION PROCESS

Next Steps

Consultation is an essential and important aspect of Scottish Government working methods. Given the wide-ranging areas of work of the Scottish Government, there are many varied types of consultation. However, in general, Scottish Government consultations aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors and no two exercises are likely to be the same.

Typically Scottish Government consultations involve a written paper inviting answers to specific questions or more general views about the material presented. This remains the case, however, the Scottish Government believes greater use of the web site will more effectively support the exchange of views. In this light, a limited number of written papers are being distributed to organisations and individuals with an interest. The Scottish Government website will enable a wider audience to access the paper and submit responses.

In addition, the Children's Panel Chairmen's Group (CPCG) has agreed to arrange a number of local events to facilitate consultation with members of the children's panels.

All Scottish Government consultation papers and related publications (e.g. analysis of response reports) can be accessed at: Scottish Government consultations (http://www.scotland.gov.uk/consultations)

The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy

24

- help decisions to be made between alternative policy proposals

- be used to finalise legislation before it is implemented

Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

The Scottish Government now has an email alert system for consultations

(SEconsult:http://www.scotland.gov.uk/consultations/seconsult.aspx).

This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). SGconsult complements, but in no way replaces SG distribution lists, and is designed to allow stakeholders to keep up to date with all SG consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

25

Responding to this consultation paper

We are inviting written responses to this consultation paper by 24 October 2008.

Please use the consultation questionnaire provided at Annex B or clearly indicate in your response which questions or parts of the consultation paper you are responding to as this will aid our analysis of the responses received.

Our on-line questionnaire is available on the Scottish Government website at www.scotland.gov.uk/consultations (look for the consultation title among the list of "current" consultations. The on-line questionnaire is located at the top of the contents page.

Alternatively, please post your response to:

The Scottish Government
Children's Hearings System consultation
CRES 1041
CSU, Spur U5b Saughton House
Edinburgh
EH11 3XD

Please remember to include the **Respondent Information Form (Annex A).** You can use this Respondent Information Form or print off a copy from the Scottish Government Website. The form to be used is located at the top of the contents page of our consultation.

If you wish to respond by E-mail, our address is chbillteam@scotland.gsi.gov.uk. Please remember to include the **Respondent Information Form**, which can be accessed on-line. The form to be returned with the email is located at the top of the contents page

If you have any queries please contact Gaynor Davenport on 0131-244-1583 or Eleanor Manson on 0131-244-5092.

This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at http://www.scotland.gov.uk/consultations. You can telephone Freephone 0800 77 1234 to find out where your nearest public internet access point is.

Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public so it is important that we receive your completed **Respondent Information Form** together with your consultation response as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly. All respondents should be aware that the Scottish Government are subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public (see the attached Respondent Information Form), these will be made available to the public in the Scottish Government Library by 24 November 2008 and on the Scottish Government consultation web pages by 24 November 2008. We will check all responses where agreement to publish has been given for any potentially defamatory material before logging them in the library or placing them on the website. You can make arrangements to view responses by contacting the SG Library on 0131 244 4556. Responses can be copied and sent to you, but a charge may be made for this service.

What happens next ?

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us reach a decision on the Children's Hearings system. We aim to issue a report on this consultation process by late December 2008. This will be followed by a draft Children's Hearings Bill and further consultation on the key provisions of the draft Bill in early 2009.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to Gaynor Davenport or Eleanor Manson at:

Scottish Government
Children's Hearings Bill Team
Mail Point 37
Victoria Quay
Edinburgh   EH6 6QQ

or by e-mail to chbillteam@scotland.gsi.gov.uk

28

RESPONDENT INFORMATION FORM

The Scottish Government

<u>Please Note</u> That This Form **Must** Be Returned With Your Response To Ensure That We Handle Your Response Appropriately

Example

| A | B | C | D |

*(Please complete in **BLACK** ink and in **BLOCK CAPITALS**, one per box)*

1. Name/Organisation

Organisation Name

Title Mr ☐ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ *Please tick as appropriate*

Surname

Forename

2. Postal Address

P O S T C O D E

Phone _____ **Email** _____

3. Permissions

I am responding as …

Individual / **Group/Organisation**

☐ *Please tick as appropriate* ☐

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate ☐ Yes ☐ No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis *Please tick **ONE** of the following boxes*

Yes, make my response, name and address all available ☐

or

Yes, make my response available, but not my name and address ☐

or

Yes, make my response and name available, but not my address ☐

(c) The name and address of your organisation ***will be*** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your ***response*** to be made available?

Please tick as appropriate ☐ Yes ☐ No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise ?

Please tick as appropriate ☐ Yes ☐ No

ANNEX B:
Strengthening for the Future – a consultation on the reform of the Children's Hearings System.

Consultation Questions

Thank you for taking the time to contribute to the consultation on the reform of the Children's Hearings System.

You do not need to answer all of the questions.

All responses will be considered.

STRUCTURAL REFORM

The role of the Scottish Government (page 11).

Question 1.
What is your opinion on the proposals for Government's role in the future?

The role of Local Government (page 12)

Question 2.
What is your opinion on the proposals for local government's role in the future?

The New Body – The Children's Hearings Agency (page 13).

Question 3.
We invite views on:

a)   *the nature of the new body*
b)   *the functions of the new body*
c)   *the title of the new body*

Independence of Functions and ECHR Compliance (pages 13 and 14).

Question 4.
Do you have any thoughts on how the necessary separation ("firewalls") can be achieved in the structure and day-to-day business of the new body?

The Chief Executive Officer (CEO) (pages 14 and 15).

Question 5.
What are your views on the proposed role and functions of the Chief Executive Officer?

Principal Reporter and Reporters (page 15).

Question 6.

a)   *We invite comment on the options outlined.*

b)   *Do you have any other suggestions about how the concerns about separation of functions might be addressed?*

c)   *Are there other functions which need to be re-considered or re-allocated?*

President of the Children's Panel (page 17).

Question 7.

What are your views on these proposals?

Safeguarders (pages 17 and 18).

Question 8.

What are your views on these proposals?

POLICY CHANGES

New statutory system on the legal representation of children (page 19).

Question 9.
We invite views on the best way to provide an appropriate, statutory scheme for legal representation of children and young people (in the circumstances specified) who are involved in the Children's Hearings system.

Withholding information provided by the child (page 20).

Question 10.
What are your views on this proposal?

Streamlining the establishment of the grounds for referral (Page 20)

Question 11.
What are your views on this proposal?

Procedural Changes to the Children's Hearings system (page 21).

Question 12.
Do you agree these are areas which should be addressed?

Papers for children (page 22).

Question 13.
Do you agree that the Scottish Government should bring forward such a provision in the draft Bill?

Other legislative implications (page 22).

Question 14
Are there any other issues which you think might be addressed in the reform programme or proposed legislation?

The Scottish Government

w w w . s c o t l a n d . g o v . u k

SHETLAND ISLANDS COUNCIL – PROPOSED RESPONSE TO "STRENGTHENING FOR THE FUTURE: A CONSULTATION ON THE REFORM OF THE CHILDREN'S HEARINGS SYSTEM

STRUCTURAL REFORM:

The role of Scottish Government
1. What is your opinion on the proposals for Government's role in the future?

Shetland Islands Council has no problems with the proposed role for the Government to including setting strategic direction, provision of resources and corporate governance arrangements. It appears that the role of Government will largely remain the same.

However there are concerns locally regarding whether the creation of a single national body is the best way to proceed and it is suggested that it should be possible for the problems being experienced within the current system - namely the inequalities that exist between Council areas and the difficulties in enforcing national standards and procedures - to be addressed in other ways.

There are significant concerns locally that the creation of a national body will dilute the voluntary aspect which is currently so important for the delivery of the Children's Hearings System across the country, and it is questioned how delivery will be carried out without local input.

It is important to recognise that a "one size fits all model" is not appropriate in all areas, and this is particularly relevant for the island areas.

The role of Local Government
2. What is your opinion on the proposals for local government's role in the future?

Shetland Islands Council feels that little consideration or acknowledgement has been given to the level of work and support provided to the Children's Hearings System by local authorities. There is concern locally regarding the reduction of the local authority role, and that any replacement would not provide the same level of support and it is of vital importance that adequate levels of support and assistance remain in place and are consistent across the country in order to ensure the best outcomes for children.

It is questioned how the system will operate in practice without the benefits of local input and participation. It will not be practical or feasible to centralise all elements of the system that are carried out at a local level – in particular the recruitment, reappointment and monitoring of Panel Members. Consideration will have to be given to how to deliver things locally in rural and island areas, and geographical implications must be taken into

account. The local authority currently plays a lead role in recruitment, and there are concerns that it would not be possible for a national body to carry this out as effectively.

Locally there is a strong view that the voluntary aspects, which are so crucial to the current system, remain.

It is questioned if the proposed increased role for local government in promoting the Children's Hearings System and raising awareness is consistent with the creation of a single national body. Care would have to be taken to ensure that this did not lead to confusion, inconsistencies, duplication of roles and unnecessary bureacracy.

<u>The New Body – The Children's Hearings Agency</u>
3. We invite views on (a) the nature of the new body, (b) the functions of the new body, (c) the title of the new body.

Shetland Islands Council feel that further clarification is required as to how the new body will carry out its functions in practice, and if there will be a role for CPACs and volunteers in future.

Locally it is felt that it is vital that any new system does not lose sight of the volunteers. It is noted with disappointment that there is no recognition of the key role that the volunteers currently play in the Children's Hearings System.

There are significant concerns that the creation of a single national body would result in the loss of the local link with the community. One of the impacts of this could be an adverse effect on recruitment. It is vital that the link with the local community is maintained.

It is suggested that the term "Children's Hearings Service" would be preferable to "Children's Hearings Agency".

<u>Independence of Functions and ECHR Compliance</u>
4. Do you have any thoughts on how the necessary separation ("firewalls") can be achieved in the structure and day-to-day business of the new body?

It is acknowledged that the creation of a single national body will lead to problems relating to the independence of functions, but it is difficult to see how the different elements can be separated appropriately.

As the proposed structure is creating problems that currently do not exist, it has to be questioned if this is the best way forward.

<u>The Chief Executive Officer (CEO)</u>
5. What are your views on the proposed role and functions of the Chief Executive Officer?

It is suggested that problems may arise relating to how the role of the CEO will sit alongside the role of the President and Principal Reporter, and further clarification and definitions of roles would be required.

Principal Reporter and Reporters

6. (a) We invite comment on the options outlined, (b) Do you have any other suggestions about how the concerns about separation of functions might be addressed, (c) Are there other functions which need to be reconsidered or reallocated?

Shetland Islands Council would point out that there would be difficulty locally in splitting what is already a part-time post into two functions, and there are also concerns that this may add another layer of bureaucracy to the system.

It has been suggested locally that the advantages to the family, child and Panel of having a Reporter at the hearing who knows the case would outweigh any disadvantages.

President of the Children's Panel

7. What are your views on these proposals?

Volunteers locally have indicated that it is preferable that they are led by fellow volunteers, and there are concerns that the ethos of the Children's Hearings System will change if they are under the charge of a paid employee led by the President.

The role of volunteers should not be devalued or diminished in any way and it is important that local Panels will still be able to respond to local issues.

Safeguarders

8. What are your views on these proposals?

The advantages of a single national Panel of Safeguarders is recognised, particularly with regard to remuneration, best practice, complaints, performance monitoring and training.

However there are concerns relating to how the allocations process will work in practice, as this is an area in which local knowledge and sensitivity is vital, particularly in small communities.

It is important that Safeguarders retain the right to choose where they wish to operate, and that recognition is given to the fact that it is often necessary to appoint Safeguarders from outwith Shetland in order to avoid conflicts of interest, as is often the case with small communities.

POLICY CHANGES

New statutory system on the legal representation of children

9. We invite views on the best way to provide an appropriate, statutory scheme for legal representation of children and young people (in the circumstances specified) who are involved in the Children's Hearings System.

Legal representation for children is important and should be regarded as a specialism, with appropriate legal representatives being recruited and trained to assist the child, perhaps along the same lines as the proposals to manage Safeguarders.

It is recognised that the current system can be seen to be unfair as parents can have access to legal representatives who often adopt a defence position that is not in the best interests of the child.

An appropriate statutory scheme may also address the issue of disparity that exists across regions at present, as it is difficult to recruit Legal Representatives in some areas and this has been a problem locally.

Withholding information provided by the child
10. What are your views on this proposal?

This proposal is generally supported but it is recognised that it is an area that requires careful handling and it is vital that clear guidance is issued.

Streamlining the establishment of the grounds for referral
11. What are your views on this proposal?

The streamlining of the grounds for referral would be welcomed. It has been suggested locally that system based on the Guernsey Child Youth & Community Tribunals system would be appropriate, whereby hearings no longer deal with grounds for referral. The Reporter meets with the family and establishes the grounds for referral before the hearing is called. If the grounds are not accepted, it goes directly to the Sheriff and does not come to a hearing until the grounds have been substantially accepted.

Procedural Changes to the Children's Hearings System
12. Do you agree these are areas which should be addressed?

Yes. It is felt locally that the current system relating to warrants is too complex.

Papers for children
13. Do you agree that the Scottish Government should bring forward such a provision in the draft Bill?

It is appropriate that information is shared where it is appropriate do so but it will be necessary for this to be carefully managed, with safeguards in place and clear guidance available so that the child's interests and welfare remain the paramount consideration.

<u>Other legislative implications</u>
14. Are there any other issues which you think might be addressed in the reform programme or proposed legislation?

The following issues have been suggested by those involved with the Children's Hearings System locally:

- Children should not have to accept lack of parental care grounds. This is asking a child to accept that their past is effectively no good and even children who live with poor parents have great loyalty to them. It is cruel and unnecessary to put children through this, and it should be addressed.

- Improved legal representation for parents and children will have to be considered.

- Consideration should be given to Panels having the ability to cover other areas so that, for example, Panel Members from island areas do not have to fly to the mainland when a child is in a secure unit or residential school.

In conclusion, Shetland Islands Council recognises that there is support locally for the creation of national standards and procedures, and for equality of resources and support across all local authority areas in order to ensure the best outcomes for children.

However Shetland Islands Council also recognises that there are valid concerns that there is a risk of destroying the parts of the CHS which currently work well, and that the local emphasis, which is currently vital to the operation of the CHS, will be lost.

It is noted that the consultation paper does not go into any detail about how it is intended to deliver the CHS in future, and Shetland Islands Council acknowledges concerns relating to the practical delivery of the CHS locally by a national body.

Shetland Islands Council would reiterate that it is important to take geographical considerations into account and recognise that a "one size fits all" model does not operate well in all areas, and this is particularly relevant in rural and island areas.

Shetland
Islands Council

REPORT

To: Central Safety Consultative Committee   4 September 2008
Employees JCC   23 September 2008
Shetland Islands Council   22 October 2008

From: Safety Manager
Legal & Administration

Draft Health, Safety and Welfare Policy (Revised Version)
Report Number LA 45-F

1   Introduction

1.1   This report is to present a draft Health, Safety & Welfare Policy for Shetland Islands Council with a view to its adoption.

2   Links to Corporate Priorities

2.1   This policy does not specifically support any particular priority in the Council's Corporate Plan, but.

3   Background

3.1   The original Health & Safety Policy was developed in May 1987, with revisions in 1994, 1997 and 2004.

3.2   Under S2 (3) of the Health and Safety at Work etc. Act 1974 it is the duty of every employer to prepare, and as often as may be appropriate, revise a written statement of this general policy with respect to health and safety at work.

3.3   A draft Policy was presented to Central Safety Consultative Committee on 11 June 2008 with a request for it to be consulted on through the safety forum network, with comments returned to the Safety Manager.

4   Review of Health, Safety and Welfare Policy

4.1   The draft policy was consulted on through the safety forums, with initial responses received on 18 July. Amendments were made to the draft policy, which was then sent out for further consultation with responses by 21 August 2008.

4.2   All relevant comments have been incorporated into the draft policy, which is attached at Appendix A.

4.3   Some other comments were received regarding the provision of information for Building Managers, the dissemination of Safety Forum minutes and the provision of Occupational Health Service to the Council. These do not require changes to the policy itself, and are being progressed through normal means.

5   Policy and Delegated Authority

5.1   As this report deals with the establishment of new policy it requires a decision of the Council in terms of Section 8.2 of the Scheme of Delegations.

6   Financial Implications

6.1   It is not anticipated that there are any financial implications that cannot be dealt with within existing budgets.

7   Conclusions

7.1   The draft Health, Safety and Welfare Policy has been through a robust consultation process. All suggested amendments were incorporated after the first round of consultation, with no further amendments requested after that point.

8   Recommendations

8.1   I recommend that the Shetland Islands Council adopt the Health, Safety and Welfare Policy.

HEALTH, SAFETY & WELFARE POLICY

2008

CONTENTS

1.0   POLICY STATEMENT

1.1   SHETLAND ISLANDS COUNCIL'S POLICY ON HEALTH, SAFETY & WELFARE

Shetland Islands Council will take all reasonably practicable steps to protect and promote the health, safety and welfare at work of all its employees. The Council also recognises its responsibilities in respect to persons other than its own employees arising out of or in connection with the work of the Council, as well as a responsibility to protect the environment. High standards of health and safety performance are recognised as an essential and integral part of delivering high quality services and the Council is committed to achieving this goal. In the context of this Policy, welfare refers to those facilities that are necessary for the well-being of employees, such as washing, toilet, rest and changing facilities, and somewhere clean to eat and drink during breaks.

This will be achieved by:

a) Developing and maintaining a positive health, safety and welfare culture which secures the commitment and participation of all employees.

b) Meeting its responsibilities in a way which recognises that relevant legal requirements are the minimum standard and striving to be exemplars in health and safety at all times. The Council will observe, as a minimum, all statutory obligations arising from health and safety legislation. It will act upon Approved Codes of Practice, Guidance notes, other documents as appropriate, advice from HSE and MCA Inspectors. It may publish in-house guidance on specific health and safety matters that may interpret or extend basic legal requirements.

c) Adopting a properly planned and systematic approach to the implementation of this Policy to ensure, so far as is reasonably practicable:

- The provision and maintenance of plant and systems of work that are safe and without risks to health.

- The elimination of risks to health from the use, handling, storage and transportation of articles and substances.

- The provision of such information, instruction, training and supervision as is necessary to ensure the health and safety at work of its employees.

- The maintenance of any place of work under the Council's control in a condition that is safe and without risks to health, and the provision of means of access and egress that are safe and without such risks.

- The maintenance of a working environment that is safe, without risks to health and has adequate facilities and arrangements for the welfare of employees at work.

d) Identifying and assessing risks associated with all Council activities with the aim of eliminating or controlling those risks, so far as is reasonably practicable.

e) Providing such financial, physical and human resources and taking such measures as are necessary to meet the targets that are applicable to Local Authorities under the Revitalising Health and Safety and Securing Health Together initiatives, and any other relevant initiatives directed by Government.

f) Determining health and safety priorities and setting realistic short, medium and long-term objectives, and undertaking to prevent accidents and cases of work related ill health.

g) Monitoring and reviewing performance on a regular basis to ensure high standards are being met and maintained.

h) Continuing to demonstrate a commitment to health and safety with the aims of resolving problems and implementing the health and safety policy.

i) Operating a system of joint consultation with employees' representatives for the promotion of high standards of health, safety and welfare at work.

This Policy will be reviewed as necessary in the the light of new legislation or working practices, and will in any event be reviewed at least once every three years.

1.2 MARITIME SAFETY MANAGEMENT SYSTEMS

Where maritime legislation applies the relevant Safety Management System (SMS) for those maritime operations will take precedence over this Policy.

For and on behalf of
SHETLAND ISLANDS COUNCIL

Chief Executive   Convenor

Date   Date

2.0 ORGANISATION AND RESPONSIBILITIES FOR THE IMPLEMENTATION OF THE POLICY

2.1 Chief Executive

The Chief Executive has ultimate responsibility within the management structure for the health, safety and welfare of all Council employees. S/he will provide visible and active leadership in developing and maintaining a management culture that is supportive of health, safety and welfare and will have the overall responsibility for the management and implementation of the Council's Health, Safety and Welfare Policy. In his/her capacity as Chair of the Central Safety Consultative Committee and member of the Executive Management Team, s/he will be the 'Champion' for Health and Safety within Shetland Islands Council. In particular s/he will ensure that:-

a) There is an effective Health and Safety Policy within the Council, maintaining compliance with the legal requirements of the Health and Safety at Work etc. Act 1974, together with all associated statutory provisions, Merchant Shipping legislation, and the policy is regularly reviewed and revised as necessary.

b) There is a high level of management commitment visible through the work of the Executive Management Team and the Central Safety Consultative Committee.

c) There is a Safety Management System in place within the Council that ensures effective control of all hazards and compliance with relevant legislation. Where legislation and good industry practice requires, industry specific Safety Management Systems are in place to complement the generic Council Safety Management System.

d) There are sufficient staff and resources available to all Departments of the Council to enable compliance with statutory requirements and to meet the desired standards of health and safety performance and management, including attainment of the targets set out in related Government strategies.

e) Responsibility for health and safety throughout the Council is properly assigned, communicated and monitored.

f) Sufficient information is received from managers and professional staff to enable health and safety performance monitoring so that remedial action can be initiated if that performance falls below desirable standards.

g) Appropriate procedures and information systems are available for the implementation of this policy.

2.2 Executive Directors

Executive Directors are responsible for the effective planning, directing, monitoring and reviewing of the progress of all health, safety and welfare matters within their areas of responsibility and ensuring:

a) The development and implementation of the Council's Health, Safety and Welfare Policy and the organisational arrangements through which the Policy is implemented.

b) The adoption of a planned, systematic approach to health, safety and welfare management in which hazards are identified, risks are suitably assessed and prioritised and objectives are met for risk elimination or reduction.

c) That suitable physical, financial and human resources are allocated to allow the effective implementation of this Policy.

d) That there is an adequate system for communicating health, safety and welfare information throughout their area of responsibility. In particular that there are arrangements for consulting with employees on health, safety and welfare issues and for promoting partnership working with employee representatives.

e) That adequate regard is paid to health, safety and welfare considerations in all contracts entered into by the Council.

f) That arrangements are in place to measure, monitor and review health, safety and welfare performance, and ensure that this is effectively reported to allow monitoring and performance improvement targets to be set.

Each Executive Director is responsible for the health, safety and welfare of all employees within their area of control.

2.3 Heads of Service

Heads of Service are responsible for ensuring that this Policy is implemented within their respective areas by:

a) Identifying safety roles and responsibilities within their services areas for implementing both this Policy and relevant health and safety policies and procedures.

b) Seeking guidance and advice from competent persons to ensure compliance with this Policy.

c) Developing and keeping under review a service area Health and Safety Action Plan based on the risk assessment processes.

d) Incorporating health, safety and welfare considerations into their service plans, including targets for improving health and safety performance.

e) Ensuring that contractors are properly vetted, selected and monitored with regard to their health and safety performance.

f) Ensuring that suitable resources are available to implement adequate health, safety and welfare measures within their service area. In particular ensuring that all employees receive adequate information, instruction, training, and supervision to enable them to carry out their responsibilities without risks to their health and safety or that of others.

g) Ensuring co-operation with other service areas where there are areas of overlap in responsibility.

h) Ensuring that adequate arrangements are in place for consultation with employees, including trade union safety representatives on health, safety and welfare issues.

i) Visibly demonstrating a commitment to achieving a high standard of health, safety and welfare performance.

j) Developing a positive attitude to health, safety and welfare amongst employees and holding individuals at all levels within their service areas accountable for their health and safety performance.

k) Ensuring that arrangements are in place to measure, monitor and review health, safety and welfare performance within their service areas.

2.4   Service Managers and Head Teachers

Service Managers are responsible for the implementation of Policy objectives and putting any service area specific health and safety procedures into operational practice. Within their areas of responsibility they will:

a) Ensure that they know and understand the health, safety and welfare legislation relevant to their work activities.

b) Ensure that there are adequate arrangements in place for implementing both this Policy and area specific health, safety and welfare procedures. In particular ensuring that their teams take full account of health, safety and welfare issues when planning, developing or introducing new work methods, systems, equipment, materials or

premises and consults on these matters effectively and in good time with employees and their representatives.

c) Seek guidance and advice from competent persons to ensure compliance with this Policy.

d) Ensure that all appropriate staff receive instruction in risk assessment procedures.

e) Ensure that documented risk assessments are produced that are suitable and sufficient, and action plans are produced which implement health, safety and welfare measures. Following this there must be measures introduced to monitor and review their effectiveness.

f) Ensure that adequate resources are available to implement adequate health, safety and welfare measures. In particular, to make certain that all their staff receive adequate information, instruction, training, and supervision to enable them to carry out their responsibilities without risks to their health, safety and welfare as well as that of others.

g) Ensure that there is an effective system for communication of health, safety and welfare issues and that their management teams and staff co-operate with and seek advice from other service areas and employee safety representatives on such matters.

h) Visibly demonstrate a commitment to achieving high standards of health, safety and welfare performance by developing a positive approach to health, safety and welfare amongst their staff and holding individuals at all levels accountable for their health and safety performance.

2.5 Line managers, team leaders and supervisors, including Head Teachers and Unit Managers

Line managers, team leaders and supervisors, including Head teachers and Unit Managers are responsible for ensuring the successful operation of the health and safety management system on a day-to-day basis. Within their areas of responsibility they will ensure that:

a) They know and understand the health, safety and welfare legislation relevant to their work activities.

b) The objectives of the Corporate Health, Safety and Welfare Policy, related procedures and codes of practice are communicated to their staff and that these are followed.

c) Risk assessments are undertaken and that any actions required to maintain or, where possible, improve standards of health, safety and welfare are implemented.

d) All equipment and materials supplied for use at work are suitable for their intended purpose and are maintained in safe working order.

e) Staff receive sufficient information, instruction, training and supervision so as to enable them to carry out their responsibilities without risks to their health and safety as well as that of others.

f) All accidents and incidents including physical and verbal abuse and threatening behaviour are reported and investigated.

g) They co-operate with Safety Representatives carrying out their functions.

h) They demonstrate a visible commitment to achieving a high standard of health, safety and welfare performance by developing a positive approach to health, safety and welfare amongst their staff and holding individuals at all levels accountable for their health and safety performance.

i) Each line manager, team leader and supervisor is responsible for the health, safety and welfare of all employees within their span of control.

2.6 Building Services

The Building Services unit will ensure that:

a) Building-related risk assessments are carried out and any necessary actions within the remit of Building Services are taken.

b) There are co-ordinated inspections of premises to ensure that buildings and relevant, fixed equipment (that is maintained by Building Services) are safe and properly maintained.

c) Records of all statutory tests and inspections carried out by Building Services are maintained.

d) Information is provided to Building Managers to enable them to complete risk assessments within their own premises.

2.7 Asset & Property Service

The Asset & Property unit shall ensure that:

a) Access to Council premises complies with the requirements of the Disability Discrimination Act 2005 and that access and egress is unobstructed and safe.

b) The Accommodation Strategy is implemented in accordance with relevant health and safety legislation.

2.8 Building Managers and Managers of other Relevant Assets

Building Managers shall ensure that:

a) Appropriate security measures are in place.

b) There is suitable and sufficient first aid provision within their buildings.

c) A fire risk assessment is undertaken and that fire fighting equipment and warning systems, if fitted, are properly maintained and tested.

d) Appropriate emergency procedures are in place, practiced as necessary and relevant records maintained.

e) Where Building Services and Assets & Property are not responsible for the delivery of those services referred to in 2.6 and 2.7 above, the Manager shall ensure that those services are delivered to the same standard as described within that paragraph.

2.9 Human Resources

Human Resources Service will ensure that :

a) Appropriate policies and procedures are in place to ensure that the Council can manage the health, safety and welfare of its workforce in line with best practice and its statutory duties.

b) An effective corporate training function is delivered which meets the needs of the organisation. This will include corporate induction training and job specific training. Training records will be kept up to date.

2.9 Employees

In addition to any specific health, safety and welfare responsibilities described above, all employees will be expected to co-operate in the implementation of the Corporate Health, Safety and Welfare Policy by acting with due regard for their own health, safety and welfare and that of others who may be affected by their acts or omissions. In particular employees will:

a) Take reasonable care for the health and safety of themselves, staff under their supervision or control, and anyone else who may be affected by their activities or omissions.

b) Co-operate with their managers to enable them to carry out their health, safety and welfare duties and to comply with the requirements of relevant health, safety and welfare legislation or best practice standards.

c) Promptly rectify dangerous situations where this can be done safely, or report hazards and potential hazards to their manager in order that remedial action can be taken.

d) Work in accordance with any health and safety training provided and follow established safe working practices.

e) Report accidents, dangerous occurrences or matters causing ill health timeously so that appropriate investigations may be carried out and measures taken to prevent recurrence. Separate guidance is available which details the accident reporting, investigation and recording procedure.

f) Not interfere with or misuse anything provided in the interests of health, safety and welfare.

g) Disclose to an appropriate person details of any known medical condition that makes them unfit for, or puts them at risk from, any particular work activity.

h) Attend all necessary Health & Safety training to ensure that they are competent to perform all their tasks.

2.10 Safety & Risk Service

The Safety Unit

Staff within the Safety Unit shall act in the capacity of competent persons as required and defined by the Management of Health and Safety at Work Regulations 1999. The Safety Unit will liaise with staff at all levels to monitor and audit this Policy and its systems and procedures, across all service areas on a regular basis. The Unit will provide advice, guidance and instruction in order to rectify any shortcomings found during monitoring/audits. The Safety Manager will advise the Chief Executive, Executive Directors and their staff on all matters of health, safety and welfare and, where appropriate, assist them in implementing this Policy with regard to their duties under it. In this respect the Safety Manager may be represented by the Safety Officer or Road Safety Officer. Advice in this respect will include, but not be limited to:

a) Interpreting and assessing the impact of existing, new or proposed legislation codes of practice and guidance relating to health, safety and welfare, and advising Executive Directors, Heads of Service and other appropriate officers, Committees and the Council of any implications for the Council's current and future operations, practices and policies.

b) Monitoring performance in health and safety across the Authority by planned inspections, surveys and audits, and providing reports to responsible line managers.

c) Monitoring management activity in health and safety and highlighting where additional measures are required.

d) Maintaining central records and statistics of accidents, incidents and work related ill health and preparing regular reports highlighting trends or matters of general concern.

e) Identifying, in co-operation with line managers at all levels, programmes of training designed to stimulate and improve health and safety performance, and to promote clearer understanding and awareness at all levels. Where such training is delivered by a third party the Safety Manager will ensure that the training is adequate to meet the identified needs.

f) Preparing and publicising general guidance on matters affecting health and safety throughout the Council.

g) Maintaining information sources and contacts to enable health, safety and welfare queries to be answered within a reasonable timescale.

h) Servicing the Councils Central Safety Committee and monitoring Departmental Safety Forums.

i) Reporting relevant incidents to the HSE under RIDDOR.

j) Working with Human Resources to promote attendance at work and ensure that work related health, safety and welfare matters are dealt with effectively.

k) Working with Train Shetland and other training providers to ensure that all training is delivered to a standard that meets the Council's needs.

3.0 ARRANGEMENTS FOR THE IMPLEMENTATION OF THE POLICY

This Health, Safety and Welfare Policy is supported by Council guidance and procedures. All managers with responsibilities outlined in this Policy or related procedures must make certain that effective arrangements are in place to ensure that those functions are maintained in their absence.

3.1   Consultation with Employees and Safety Representatives

a) The Council will fulfil its responsibilities to consult with its employees, trade union and other employee representatives on relevant aspects of health and safety. Safety Representatives appointed by recognised trade unions will be granted the necessary resources to carry out their functions as set out in the Safety Representatives and Safety Committee Regulations 1977, as amended by the Management of Health and Safety at Work Regulations 1999. Safety representatives on Ferry vessels have the rights and functions as defined in The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Amendment) Regulations 1997.

b) The Council recognises that Safety Representatives can make a positive contribution to the Council's efforts towards maintaining a safe and healthy working environment, and such contributions are positively encouraged.

c) Representations from union safety representatives should be directed in the first instance to those officers in charge of the service, establishment or vessel. It is accepted that Executive Directors and the Safety Manager may be required to become involved in some matters.

d) Non-union safety representatives may be elected by departmental staff to represent them at Safety Forums and at the Central Safety Consultative Committee. This representation is supplementary to the agreed trades union representation provisions.

e) Non-union representatives will be provided with such instruction and training and time resources as is necessary to enable them to carry out their functions in a competent manner.

f) All recognised Trades Unions will be afforded representation on the Central Safety Consultative Committee, and on relevant Safety Forums.

3.2   Central Safety Consultative Committee/Safety Forums

a) The Central Safety Consultative Committee will provide a forum for consultation with staff on health, safety and welfare matters which have corporate significance. The Chief Executive acts as Chair of this committee which also includes Executive Directors in it's membership.The remit of the committee is to:

- Monitor and keep under review the measures taken to ensure the health, safety and welfare at work of employees.

- Promote employee/employer co-operation for the improvement of health, safety and welfare standards.

- Act as a forum for consultation and the exchange of information on strategic health, safety and welfare matters covering employees, service users and members of the public.

- Consider reports from the Safety Section, Safety Representatives and other relevant parties.

- Assist in the development of the organisation's health, safety and welfare procedures.

- Encourage health and safety training at all levels.

- Promote a risk assessment based approach to managing health, safety and welfare.

b) Departmental Safety Forums will be held to enable consultation on health and safety issues at this level. Further Forums shall be provided at other levels as appropriate to ensure all staff members have adequate consultation on these matters.

c) Forums will have access to the Council Safety Consultative Committee through safety representatives and the submission of reports via the Safety Manager.

d) The Central Safety Consultative Committee and Departmental Forums will meet at regular intervals to enable formal consultation between senior management, staff and safety representatives.

d) Recommendations arising from Safety Committee meetings will be actioned where appropriate by officers of the Council, or may be referred to the appropriate Committee for further discussion where any Council decision is required.

e) All employees are encouraged to contribute to the work of the safety forums and Committee, but it must be emphasised that such bodies are concerned with strategic decision making, not the day-to-day hazards encountered in the workplace which should be addressed and corrected at supervisory/management levels whenever possible.

3.3   Executive Management Team

The Executive Management Team will have an overall monitoring role of the Health and Safety Management System within the Council. All Council members of EMT are also members of Central Safety Consultative

Committee, and will, communicate, promote and champion health and safety throughout the organisation.

3.4 Health & Safety Champion

The Chief Executive in his/her role as a member of EMT and Chair of the Central Safety Consultative Committee will act as the Health and Safety Champion for the Council. This role will act as a scrutineer for the activities of EMT and Central Safety Consultative Committee, and will ensure that the processes to support those parts of the council dealing with significant health and safety issues are robust.

3.5 Provision of Information, Instruction and Training

The Council will fulfil its responsibility to provide information, instruction and training to ensure the health, safety and welfare of employees. It will ensure that adequate provision is made for the upkeep of a central training register. All relevant training records will be kept on this register, and will be updated by Departmental Training Reps.

a) Information and Instruction

The Council will ensure that necessary information and instruction is provided to all employees and others. The form and content of this will be appropriate to the level of risk and will be reviewed in the light of changes in legislation, experience and new guidance from the HSE or other relevant bodies.

The Health and Safety Unit has an intranet site including information on health, safety and welfare management. All current Council health, safety and welfare related policies, supporting systems and guidance can be found on this site.

b) Training

(i) Each employee will be provided with adequate health and safety training:

- On appointment.
- Before being required to carry out new or unfamiliar tasks, especially when required to use new equipment, plant or machinery.

Specific job-related training will be identified by line managers during performance, review and development interviews. These interviews will also identify where required training has not been carried out and ensure that suitable steps are taken to remedy this.

(ii) Attendance on Health and Safety Training Courses identified through the above processes will be mandatory.

3.6 Safety Inspections

Formal health and safety inspections will be undertaken on a regular basis by managers in conjunction, wherever possible, with local Safety Representatives. Such inspections will be undertaken, as a minimum, annually and records retained.

Trade Union Safety Representatives have the right to undertake safety inspections in work areas. Managers should participate in such inspections if so requested.

3.7 Monitoring

The effectiveness of the Council's Health, Safety and Welfare Policy will be monitored in the following ways:

- The Safety Unit will analyse reported accidents and incidents with a view to determining and eliminating their causes.

- Managers will ensure there are regular, documented and systematic inspections of workplaces and operations and review feedback from staff and others. These inspections and assessments will be reviewed on an annual basis as a minimum.

- The Safety Unit will coordinate a programme of formal health and safety inspections and audits of all Council services. This may be undertaken in conjunction with Risk Management staff.

- Internal Audit will audit areas within the Policy to test compliance across the Council and will highlight shortcomings to Safety Section.

- The Safety Unit will work in partnership with HR to monitor incidents of work related ill health and develop strategies to address areas of concern.

3.8 Control of non-employees

It is the policy of the Council that, where it contracts, enters into partnership with, orders or lets work or services with or to a third party, including joint ventures, standards set out for health, safety and welfare required by this Policy are the minimum required for the third party.

To ensure this occurs, all work undertaken for the Council by non-employees (e.g. contractors, consultants, volunteers etc.) will be subject to selection assessments to ensure those undertaking the work are competent to manage the health, safety and welfare aspects of the work.

All contractors will be required to provide the Council with information on the risks to health, safety and welfare arising out of their work. The Council will ensure that any person working on Council premises or sites who are not employees are provided with appropriate instructions and information regarding any risks to their health, safety and welfare that may arise out of the work of the Council.

In addition, all service areas must have in place procedures for the regular monitoring of non-employees and contractors.

3.9   Review

This statement of the Council's Health, Safety and Welfare Policy and the organisational arrangements for its implementation will be monitored, reviewed and when necessary updated by the Safety Unit in conjunction with Executive Management Team and the Central Safety Consultative Committee. This may include the production of new general or specific codes of practice or guidance.

4.0   POLICY GUIDANCE

4.1   Purpose of Policy

This document is intended to help all those who will be concerned with managing health, safety and welfare, providing a framework in which to develop a positive safety culture.

The nature of the Council's business involves a wide range of activities conducted from premises and mobile assets which are geographically widespread. Specific health and safety responsibilities and arrangements for implementing the general Health, Safety and Welfare Policy will be clearly defined within individual's area of responsibility using this general Policy as a framework for their day-to-day arrangements.

The Policy will be reviewed by the Safety Manager every three years or in the event of significant change in activities or legislative requirements.. All health, safety and welfare guidance documents will also be subject to regular review. Any significant amendments will be brought to the attention of all relevant Council employees and others.

It is essential that everyone in the Council is aware of, and becomes familiar with, procedures for dealing with matters concerning health, safety and welfare.

This document will not in itself produce a safe working environment; this can only be achieved with the full co-operation of all employees and others e.g. Partners Agencies and contractors. Failure to comply with this Policy may be regarded as a disciplinary matter and lead to appropriate sanctions.

Ultimate responsibility for the implementation of the Health, Safety and Welfare Policy lies with the Chief Executive. He will be assisted, within their respective spheres of responsibility, by the other members of the Executive Management Team. It is, however, a fundamental aspect of this Policy that health and safety responsibilities devolve to all employees.

4.2   Using this Policy

All Council staff must ensure that they:

- understand their responsibilties, as set out within this Policy.

- give regard to the safe systems and legal requirements that relate to their activities, the activities of any staff for whom they are responsible and their workplace.

- Ensure procedures and systems are put in place to achieve those standards to the extent of their responsibility.

APPENDIX B

<u>APPROVED CODES OF PRACTICE</u>

1. Legionnaires' disease: the control of legionella bacteria in water systems. Approved Code of Practice and guidance. **Ref: L8, 2003.**

2. Manual handling. Manual Handling Operations Regulations 1992 (as amended) **Ref: L23, 1992.**

3. Approved classification and labelling guide: Chemicals (Hazard Information and Packaging for supply) Regulations 2002. **Ref: L131 2002.**

4. Approved Supply List (8th ed). Information approved for the packaging and labelling of substances and preparations dangerous for supply: Chemical (Hazard Information and Packaging for Supply) Regulations 2002 (as amended) **Ref: L142, 2005.**

5. Approved Tank requirements. The provisions for bottom loading and vapour recovery systems of mobile containers carry petrol. Carriage of Dangerous Goods by Rail Regulations 1996. **Ref: L93, 1996**.

6. CHIP for everyone. **Ref: HSG228, 2002.**

7. Commercial diving projects in land/Inshore. Diving at Work Regulations 1997. **Ref: L104, 2002.**

8. Compilation of safety data sheets (3rd Edition): Chemicals (Hazard Information and Packaging for Supply) Regulations 2002. **Ref: L130, 2002.**

9. Construction (Head Protection) Regulations 1989. **Ref: L102, 1998.**

10. Control and mitigation measures. Dangerous Substances and Explosive Atmospheres Regulations. **Ref: L136, 2003.**

11. Control of lead at work: Control of Lead at Work Regulations 2002. **Ref: L132, 2002.**

12. Control of substances hazardous to health (5th edition): the Control of Substances Hazardous to Health Regulations 2002 (as Amended). **Ref: L5, 2005.**

13. Controlling noise at work: the Control of Noise at Work Regulations 2005.   Guidance on Regulations. **Ref: L108, 2005.**

14. Dangerous substances and explosive atmospheres. Dangerous Substances and Explosive Atmospheres Regulations 2002. **Ref: L138, 2003.**

15. Dangerous substances in harbour areas: the Dangerous Substances in Harbour Areas Regulations 1987. **Ref: COP18, 1987.**

16. Design of plant, equipment and workplaces. Dangerous Substances and Explosive Atmospheres Regulations 2002. **Ref: L134, 2003.**

17. First aid at work: the Health and Safety (First-Aid) Regulations 1981. **Ref: L74, 1997.**

18. Guide to the Control of Explosives Regulations 1991. **Ref: L10, 1991.**

19. Guide to the Control of Major Accident Hazards regulations 1999 (as Amended). **Ref: L111, 2006.**

20. Guide to the Health and Safety (Consultation with Employees) Regulations 1996. **Ref: L95, 1996.**

21. Guide to the Radiation (Emergency Preparedness and Public Information) Regulations 2001. **Ref: L126, 2002.**

22. Guide to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995. **Ref: L73, 1995.**

23. Management of asbestos in non-domestic premises: Regulation 4 of the Control of Asbestos at Work Regulations 2006. **Ref: L127, 2006.**

24. Management of health and safety at work: Management of Health and Safety at Work Regulations 1999. **Ref: L21, 2004.**

25. Managing health and safety in construction: Construction (Design and Management) Regulations 2007. (CDM) Approved Code of Practice. **Ref: L144, 2007.**

26. Manufacture and storage of explosives Approved Cod of Practice. **Ref: L139, 2005.**

27. Personal protective equipment at work. **Ref: L25, 2005.**

28. Plastic containers with nominal capacities up to 5 litres for petroleum – spirit: Requirements for testing and marking or labelling. **Ref: COP6, 1982.**

29. Rider-operated lift trucks: Operator training. **Ref: L117, 1999.**

30. Safe maintenance, repair and cleaning procedures. Dangerous Substances and Explosive Atmospheres Regulations. **Ref: L137, 2003**

31. Safe use of lifting equipment. Lifting Operations and Lifting Equipment Regulations 1998. **Ref: L113, 2002.**

32. Safe use of power presses. Provision and Use of Work Equipment Regulations 1998 as applied to power presses. **Ref: L112, 2002.**

33. Safe use of woodworking machinery. Provision and Use of Work Equipment Regulations 1998 as applied to woodworking machinery. **Ref: L114, 2003.**

34. Safe use of work equipment. Provision and Use of Work Equipment Regulations 1998. **Ref: L22, 2001.**

35. Safe work in confined spaces. Confined Spaces Regulations 1997. Approved code of practice, regulations and guidance. **Ref: L101, 1997.**

36. Safety in docks. Approved code of practice, regulations and guidance. **Ref: COP25, 1988.**

37. Safety in the installation and use of gas systems and appliances. Gas Safety (Installation and Use) Regulations 1998. **Ref: L56, 2002.**

38. Safety of pressure systems. Pressure Systems Safety Regulations 2000. **Ref: L122, 2000.**

39. Safety representatives and safety committees. **Ref: L87, 1996.**

40. Safety signs and signals: the Health and Safety (Safety Signs and Signals) Regulations. Guidance on Regulations. **Ref: L64, 1996.**

41. Storage of dangerous substances. Dangerous Substances and Explosive Atmospheres Regulations 2002. **Ref: L135, 2003.**

42. Unloading petrol form road tankers. Dangerous Substances and Explosive Atmospheres Regulations 2002. **Ref: L133, 2003.**

43. Whole body vibration. The Control of Vibration at Work Regulations 2005. Guidance on Regulations. **Ref: L141, 2005.**

44. Work with materials containing asbestos. **Ref: L143, 2006.**

45. Work with display screen equipment: Health and Safety (Display Screen Equipment) Regulations 1992 as amended by the Health and Safety (Miscellaneous Amendments) Regulations 2002. **Ref: L26**, **2003.**

46. Work with ionising radiation. Ionising Radiation Regulations 1999. **Ref: L121, 1999.**

47. Workplace (Health, Safety and Welfare) Regulations 1992 (as Amended by the Quarries Miscellaneous Health and Safety Provisions Regulations 1995. **Ref: L24, 2001.**

<u>GUIDANCE</u>

There are may sources of guidance and information available. These include:

Shetland Islands Council Safety and Risk Service have information on their intranet site found at.
www.sic.gov.uk/services/safety-risk/

The Heath and Safety Executive has extensive health and safety information on their website at.
www.hse.gov.uk

A full range of free leaflets and priced publications, including guidance on specific health and safety topics and legislation can be found at:
www.hsebooks.com/books/defaullt.asp

Many trade unions also provide information and guidance on health and safety. Information can be found by visiting their own websites or speaking to a Union Health and Safety Representative.

The following organisations also have use full information on their websites.

ROSPA – Royal Society for the Prevention of Accidents

CITB – Construction Industry Training Board

EEF – Engineering Employees Federation

ATB – Agricultural Training Board

APPENDIX A

ACTS OF PARLIAMENT

1. Employment Medical Advisory Service Act 1972 (c 28)

2. Employment of Women, Young Persons, and Children Act 1920 (c 65)

3. Explosives Act 1875 (c 17)

4. Factories Act 1961 (c 34)

5. Health and Safety at Work etc Act 1974 (c 10)

6. Mines and Quarries Act 1969 (c 10)

7. Mines and Quarries Act 1954 (c 70)

8. Offices, Shops and Railway Premises Act 1963 (c 41)

REGULATIONS/ORDERS

1. Compressed Acetylene Order 1974 **(S.I 1947/805)**

2. Confined Spaces Regulations 1997 **(S.I 1997/1713)**

3. Construction (Design and Management) Regulations 2007 **(S.I 2007/320)**

4. Construction (Head Protection) Regulations 1989 **(S.I. 1989/2209)**

5. Control of Asbestos Regulations **(S.I. 2006/2739)**

6. Control of Explosives Regulations 1991 **(S.I. 1991/1531)**

7. Control of Lead of Work Regulations 2002 **(S.I 2002/2676)**

8. Control of Major Accident Hazards Regulations 1999 **(S.I 1999/743)**

9. Control of Major Accident Hazards (Amended) Regulations 2005 **(S.I 2005/1088)**

10. Control of Noise at Work Regulations 2005 **(S.I 2005/1643)**

11. Control of Substances Hazardous to Health (Amendment) Regulations 2003 **(S.I. 2003/978)**

12. Control of Substances Hazardous to Health (Amendment) Regulations 2004 **(S.I. 2004/3386)**

13. Control of Substances Hazardous to Health Regulations 2002 **(S.I. 2002/2677)**

14. Control of Vibration at Work Regulations 2005 **(S.I. 2005/1093)**

15. Dangerous Substances (Notification and Marking of Sites) Regulations 1990 **(S.I. 1990/304)**

16. Dangerous Substances and Explosive Atmospheres Regulations 2002 **(S.I. 2002/2776)**

17. Dangerous Substances in Harbour Areas Regulations 1987 **(S.I. 1987/37)**

18. Disused Mine and Quarry Tips (Prescribed Forms) Regulations 1969 **(S.I. 1969/807)**

19. Diving at Work Regulations 1997 **(S.I. 1997/2776)**

20. Docks Regulations 1988 **(S.I. 1988/1655)**

21. Electricity at Work Regulations 1989 **(S.I. 1989/635)**

22. Employment Medical Advisory Service (Factories Act Orders etc Amendment) Order 1973 **(S.I. 1973/36)**

23. Explosive Acts 1875 and 1923 etc (Repeals and Modifications) Regulations 1974 **(S.I. 1974/1885)**

24. Explosive Act 1875 (Exemptions) Regulations 1979 **(S.I. 1979/1378)**

25. Explosives Act 1875 etc. (Metrication and Miscellaneous Amendment) Regulations 1984 **(S.I. 1984/510)**

26. Factories Act (Docks, Building and Engineering Construction, etc) Modification Regulations 1938 **(S.I. 1938/610)**

27. Factories Act General Register Order 1973 **(S.I. 1973/8)**

28. Gas Safety (Installation and Use) Regulations 1998 **(S.I. 1998/2451)**

29. Health and Safety (Consultation with Employees) Regulations 1996 **(S.I. 1996/1513)**

30. Health and Safety (Display Screen Equipment) Regulations 1992 **(S.I. 1992/2792)**

31. Health and Safety (Enforcing Authority) Regulations 1998 **(S.I. 1998/494)**

32. Health and Safety (Explosives and Petroleum Fees) (Modification) Regulations 1987 **(S.I. 1998/52)**

33. Health and Safety (Fees) Regulations 2007 **(S.I 2007/813)**

34. Health and Safety (First-Aid) Regulations 1981 **(S.I. 1981/917)**

35. Health and Safety (Leasing Arrangements) Regulations 1992 **(S.I. 1992/1524)**

36. Health and Safety (Miscellaneous Amendments) Regulations 2002 **(S.I. 2002/2174)**

37. Health and Safety (Miscellaneous Provisions) (Metrication etc) Regulations 1992 **(S.I. 1992/1811)**

38. Health and Safety (Repeals and Revocations) Regulations 1995 **(S.I. 1995/3234)**

39. Health and Safety (Repeals and Revocations) Regulations 1996 **(S.I. 1996/1811)**

40. Health and Safety Signs and Signals) Regulations 1996 **(S.I. 1996/341)**

41. Health and Safety (Training for Employment) Regulations 1990 **(S.I. 1990/1380)**

42. Health and Safety Information for Employees (Modifications and Repeals) Regulations 1995 **(S.I. 1995/2923)**

43. Health and Safety Information for Employees Regulations 1989 **(S.I. 1989/682)**

44. Ionising Radiations Regulations 1999 **(S.I. 199/3232)**

45. Lifting Operations and Lifting Equipment Regulations 1998 **(S.I. 1998/2307)**

46. Management of Health and Safety at Work Regulations 1999 **(S.I. 1999/3242)**

47. Management of Health and Safety at Work (Amendment) Regulations 2006 **(S.I. 2006/438)**

48. Manual Handling Operations Regulations 1992 **(S.I. 1992/2793)**

49. Manufacture and Storage of Explosives Regulations 2005 **(S.I. 2005/1082)**

50. Notification of Cooling Towers and Evaporative Condensers Regulations 1992 **(S.I. 1992/2225)**

51. Notification of Employment of Persons Order 1964 **(S.I. 1964/533)**

52. Notification of Existing Substances (Enforcement) (Amendment) Regulations 1996 **(S.I. 1996/1373)**

53. Notification of Existing Substances (Enforcement) Regulations 1994 **(S.I. 1994/1806)**

54. Notification of Installations Handling Hazardous Substances (Amendment) Regulations 2002 **(S.I. 2002/2979)**

55. Notification of Installations Handling Hazardous Substances Regulations 1982 **(S.I. 1982/1357)**

56. Order in Council No. 30 Prohibiting the manufacture, importation, keeping, conveyance or sale of acetylene when an explosive as defined by the order **(S.R. &O 1937/54)**

57. Personal Protective Equipment Regulations 1992 **(S.I. 1992/2966)**

58. Petroleum (Consolidation) Act 1928 (Enforcement) Regulations 1979 **(S.I. 1979/427)**

59. Petroleum-Spirit (Motor Vehicles, etc) Regulations 1929 **(S.I. 1929/952)**

60. Petroleum-Spirit (Plastic Containers) Regulations 1982 **(S.I. 1982/630)**

61. Pipelines Safety (Amendment) Regulations 2003 **(S.I. 2003/2563)**

62. Pipelines Safety Regulations 1996 **(S.I. 1996/825)**

63. Pressure Systems Safety Regulations 2000 **(S.I. 2000/128)**

64. Provision and Use of Work Equipment Regulations 1998 **(S.I. 1998/2306)**

65. Quarries Regulations 1999 **(S.I.1999/2024)**

66. Radiation (Emergency Preparedness and Public Information) Regulations 2001 **(S.I. 2001/2975)**

67. Reporting Of Injuries, Diseases and Dangerous Occurrences Regulations 1995 **(S.I. 1995/3163)**

68. Safety Representatives and Safety Committees Regulations 1977 **(S.I. 1977/500)**

69. Shipbuilding and Ship-repairing Regulations 1960 **(S.I. 1960/1932)**

70. Work at Height Regulations 2005 **(S.I. 2005/735)**

71. Work at Height (Amendment) Regulations 2007 **(S.I. 2007/114)**

72. Workplace (Health, Safety and Welfare) Regulations 1992 **(S.I. 1992/3004)**

Safety Committee Structure

Shetland Islands Council has a duty to consult employees about anything that may affect their health and safety. This is a statutory duty arising from various regulations, including the Safety Representatives and Safety Committees Regulations 1977 and the Health and Safety (Consultation with Employees) Regulations 1996.

 Whilst the Central Safety Consultative Committee fulfils this obligation, a single committee for dealing with all health and safety issues within the council would be extremely complex given the range of service areas and geographical locations. Because it is important to make sure that every employee has access to a forum to discuss health and safety matters, a system of departmental safety forums and sub forums has been set up. Each of these feed upwards into the Central Safety Consultative Committee. Each area of the council may have a slightly different arrangement or number of forums; however there should be a means of consultation with staff at every level.

Health and safety emergencies must **not** be left until safety forums meet to be dealt with. All employees must take appropriate steps to resolve such a situation, which may include referring the problem to their line manager.

Initially, health and safety matters should be discussed and resolved at line management level. Problems that cannot be resolved at that level should be referred to the safety forum. Any issues that cannot be resolved at the safety forum level must be referred to the departmental safety forum. Matters that may affect other areas of the council should also be brought to the departmental forum for information. Anything that cannot be solved at departmental level should be raised at Central Safety Consultative Committee. The Safety Manager will, by means of a report, take the matter to the Committee.

No member of the committee structure is expected to be qualified in Health and Safety. An interest in Health and Safety is required along with an ability to understand the consequences of non-compliance with legislation both morally and legally. Training in basic health and safety will be provided if desired.

Shetland Islands Council recognises several trades unions. Each Union will be encouraged to provide a safety representative. Health and safety training is usually provided by trades unions, but can be provided by safety section if necessary. Their duties on the committees will be to raise the concerns of their members (or others if prior agreement has been sought) that cannot be resolved through normal channels.

Shetland Islands Council invites Non-Union elected representatives to sit on Safety Committees. However, some unions have agreed to represent all employees whether a member of their union or not. Information must be

cascaded down through the safety forum structure to all employees affected by it.

Timing of Safety Forums and Committee

Central Safety Consultative Committee will take place every three months. Each safety forum should take place first with the departmental meeting taking place at least four weeks before Central Safety Consultative Committee so that minutes are available from each forum for the departmental committee and from each departmental committee to central safety committee

The following is an example of how the various committees fit together. There are normally four meetings of Central Safety Consultative Committee, and therefore of each of the Departmental and smaller sub-forums per year.

Minutes of July forum meeting to departmental August meeting

Safety Forum
July October

Departmental Safety Committee
August November

Minutes of August Departmental meeting to September CSCC

Central Safety Committee
September December

CSCC (September) minutes to October safety forum meetings and November Departmental meeting
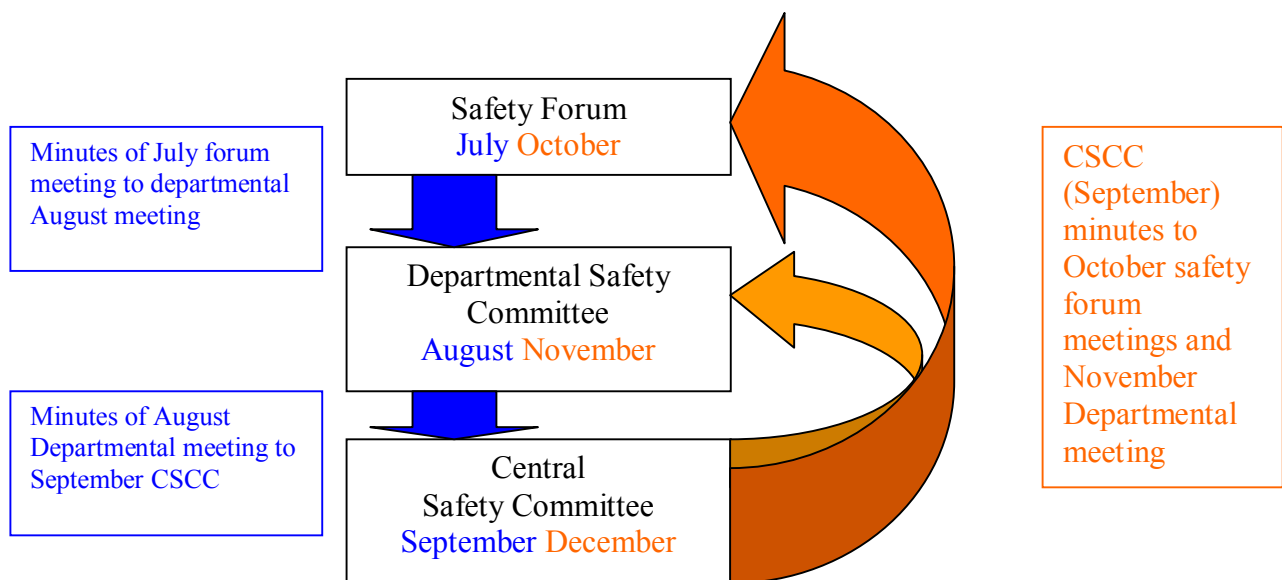
In the example above, the cycle is:
- July – meeting of safety forum
- August – meeting of departmental forum
- September – meeting of Central Safety Consultative Committee.

As the Committee is concerned with internal management matters the meetings shall not be open to the press or public

Membership, roles and responsibilities

CENTRAL SAFETY CONSULTATIVE COMMITTEE

Membership

> ➢ Chairman - Chief Executive of the council

> ➢ Departmental Directors or their nominees (usually chairs of departmental committees)

> ➢ Union representative from each recognised trades union (plus extra TGWU to represent ferries)

> ➢ A non-union office based representative from each directorate where available

> ➢ A non-union representative for other staff within each directorate where available

> ➢ The following shall attend as ex-officio members without voting rights

- The Councils Occupational Health Service representative
- Councils Safety Manager
- Member of Personnel Services section

Remit

This shall be the council's main forum for consultation on health, safety and welfare matters arising from proposed policies, legislation and other matters of a corporate nature.

It may also discuss accident and ill health trends and other statistics relating to health and safety. It will only discuss departmental maters if these cannot be resolved at departmental level or the means of resolution is likely to be corporate.

All representatives must be provided with the necessary time and facilities to carry out their obligations as members of the committee.

The committee will be a non-decision making body. It will report to the Standing Committee and will be scheduled to meet as when required but normally every three to six months.

Agenda

The items below are standing items

   a) Minutes of the previous meeting

   b) Safety Manager/Officer report on significant matters arising from Departmental Safety Forums and Central Safety Consultative Committee

   c) Central Government, SIC safety strategies and associate policies (such as "Revitalising Health and Safety" – these will usually be progress reports prepared by Safety Section)

   d) Trades union and departmental representatives reports (through Safety Manager)

   e) Any other reports from forums or departmental committees or new legislation

   f) Minutes from Risk Management Board affecting health and safety matters.

   g) Safety Managers report on accident and incident reports since the last meeting

   h) Date of next meeting

A meeting will be quorate providing the Chairman (or his nominee), two trades union representatives and two Departmental representatives are present.

All reports will be routed via the Safety Manager from any trades union or departmental representative. Departmental representatives must not be trades union representatives and vice versa.

DEPARTMENTAL SAFETY FORUMS

These committees will conduct the majority of the Councils health and safety business. The majority of operational issues should be able to be resolved through current Departmental Management systems. These committees must not be used for urgent health and safety matters, which should be resolved immediately through normal channels.

Membership

   ➢ The chair is the Executive Director or his nominee. (Chief Executive in the case of Executive Services)

   ➢ Chair of each safety sub-forum to attend the departmental committee

- Safety Manager/Officer

- Union representatives from each recognised trades union

- Elected non-union where available

Remits

The remit of the forum is to discuss and action any unresolved item concerning Health and Safety. It includes the health and safety implications of;

- Existing or proposed working methods

- Equipment and machinery,

- Accidents and incidents

- New or proposed policies and legislation

- Results of audits or inspections and

- Health surveillance.

Where a forum elects to report any matter for consideration to the Central Safety Consultative committee this shall be via a report produced by the Safety Manager.

Agenda

Departmental Forums

a) Minutes of the previous meeting

b) (i) Matters arising from minutes of safety sub-forums (this cycle)

  (ii) Matters arising from Central Safety Consultative Committee (last cycle)

  (iii) Matters arising from departmental forum (last cycle)

c) Departmental accident/incident reports or summaries

d) Safety manager/officer report

e) AOCB

f) Date of next meeting

SAFETY SUB FORUMS

Each Departmental Safety Forum shall, where necessary, be fed from smaller forums originating from Divisions or sections. There is no limit to the number of smaller forums that may be established. Structures must be organised within the following criteria:

- Every employee must have access to a Departmental Forum by means of appropriate representation

- The forum must have the authority to amend its structures as it deems appropriate and in order to ensure the proper consultation with all relevant staff

- Relevant trades union representatives are entitled to provide representation for Union members where appropriate

- Meetings must be convened on a regular cycle to complement the Departmental and Central dates

- The Safety Manager or Officer will endeavour to attend at all departmental forums and sub forums on request

- The non-union staff in every division will be entitled to appoint at least one safety representative other than a Trades Union Safety Representative. This representative will sit on the Departmental Safety Forum and act as a communicator and facilitator for all staff not represented by Trades Union Safety Representatives

The number of forums will be sufficient to allow employees to access the safety forum/committee structure. The number of these, smaller forums, may be subject to change.

Agenda

a) Minutes of the previous meeting

b) (i) Matters arising from minutes (last cycle)
   (ii) Minutes of departmental and Central Safety Consultative Committee (last cycle)

c) Accident/incident reports

d) Risk assessment programme

e) Safety Manager/Officer report

f) AOCB

g) Date of next meeting

Further information on any part of the Safety Committee/Forum structure can be sought from Safety Section.

Central Safety Consultative Committee

EXECUTIVE SERVICES

- ICT
- Housing
- Finance
- Capital Programme
- Legal and Admin, Organisational Development & Executive Office

PORTS & HARBOURS

INFRASTRUCTURE SERVICES

- Office Staff
- Construction and Maintenance
- Roads
- Ferries
- Waste and Fleet Management

EDUCATION & SOCIAL CARE

- Schools Service
- Schools Contract Staff
- Children's Services & Criminal Justice
- Community Care
- Community Development
- Train Shetland & Shetland College

ECONOMIC DEVELOPMENT

Shetland
Islands Council

REPORT

To: Shetland Islands Council   22 October 2008

From: Safety Manager
Legal & Administration

Draft Policy on Fire Safety Management
Report Number LA-47-F

1   Introduction

1.1   This report is to present a draft Policy on Fire Safety Management within Shetland Islands Council with a view to its adoption as documentation supporting the Shetland Islands Council Health and Safety Policy.

2   Links to Council Priorities

2.1   This policy does not specifically link to any particular priority within the current Corporate Plan.

3   Background

3.1   The Fire (Scotland) Act 2005 and the Fire Safety (Scotland) Regulations 2006 both came into force on 1 October 2006.

3.2   In order to ensure that there is a corporate approach to Fire Safety Management a policy made under the Council's Health, Safety and Welfare Policy is required.

3.3   This policy has been approved at the Central Safety Consultative Committee and the Employees JCC, with the exception of Unite who requested further time to consult it's members and agreed to advise the Safety Manager in advance of this meeting of any comments.

4   Policy on Fire Safety Management

4.1   The draft Fire Safety Management policy is attached at Appendix A.

4.2   The Policy outlines the various roles to be found under the Regulations and identifies the training and inspection requirements required to carry out these functions.

5   Policy and Delegated Authority

5.1   As this report deals with the establishment of new policy it requires a decision of the Council in terms of Section 8.2 of the Scheme of Delegations.

6   Financial Implications

6.1   It is not anticipated that there are any financial implications that cannot be dealt with within existing budgets.

7   Conclusions

7.1   The implementation of the Policy will ensure that Fire Safety Management is carried out in a consistent way across the Council.

8   Recommendations

8.1   I recommend that the Shetland Islands Council adopt the attached Fire Safety Management Policy, subject to any comments from Unite.

Shetland Islands Council

Policy on Fire Safety Management

Applies to: All staff groups
Effective from:
Review Date

Policy on Fire Safety Management

Operational Date:
Review Date:

1   Introduction

2   Scope of Policy

3   Policy Statement

4   Organisation

5   Links to other policies

6   Legislation

7   Roles and Responsibilities

8   Fire Risk Assessments

9   Inspection, Testing and Fire Logs

10   Emergency Procedures

11   Staff Training

1   Introduction

1.1   Fire is a potential hazard in any Council premises, particularly within those premises providing services for vulnerable groups of people.

1.2   Shetland Islands Council will take all reasonable steps to ensure the avoidance of fire within premises that are occupied by them.

1.3   In the event of a fire starting Shetland Islands Council will undertake to put measures in place to allow for its rapid detection and for the evacuation of affected persons to a place of safety, and then where possible to ensure its containment and control.

2   Scope of Policy

2.1   This policy applies to all employees of Shetland Islands Council.

3   Policy Statement

3.1   Shetland Islands Council is committed to protecting its employees and those affected by its activities from the hazards associated from fire. Fire Safety Management will be implemented by a variety of methods including:

- Clearly defining roles and responsibilities for fire safety management at all levels within the organisation.

- Ensuring that sufficient financial, physical and human resources are provided to ensure adequate measures for the detection, means of escape and fire fighting.

- Ensuring that compulsory fire safety awareness training is provided to all employees, and specialised training is provided to those employees undertaking specialised fire safety roles.

4   Organisation

4.1   The Chief Executive has overall responsibility for this corporate policy.

Executive Directors and the General Manager Ports & Harbours Operations will be responsible for ensuring compliance with the procedures in this policy within their areas of responsibility.

4.2   Heads of Service will, within their areas of control:

- Provide resources for, maintaining and monitoring all fire safety management systems to ensure that they comply with the requirements of all relevant legislation.

- Ensure that appropriate procedures to manage fire safety are devised and implemented at a Service level, and that those procedures are regularly reviewed and updated.

- Ensure that adequate training on fire safety awareness and fire extinguisher use is undergone by all relevant members of staff.

- Ensure that relevant staff required to perform specialist tasks are identified and attend further training to ensure their competency in these roles.

- Ensure that the most up to date copies of relevant Fire Safety guidance is available for use within their areas. This guidance should form the basis for any procedures developed in this area. This information can be found at www.infoscotland.com/firelaw

5   Links to other policies

5.1   This policy forms part of the documentation made under the Council's Health and Safety Policy and should be read in conjunction with that document. Copies of this policy are available on the Safety & Risk intranet site or from Safety & Risk Service, 4 Market Street.

This Policy does not link directly to the priorities in the Corporate Plan.

6   Legislation

6.1   The Fire (Scotland) Act 2005 and The Fire Safety (Scotland) Regulations 2006 both came into force on 1 October 2006.

Duties imposed by the legislation fall into seven categories.

i)   Carry out a fire risk assessment of premises.
ii)   Identify fire safety measures necessary as a result of the fire safety risk assessment outcome.
iii)   Implement these fire safety measures using risk reduction principles.
iv)   Put in place fire safety arrangements for the ongoing control and review of the fire safety measures.
v)   Comply with the specific requirements of the fire safety regulations.
vi)   Keep the fire safety risk assessment and outcome under review.
vii)   Keep appropriate records.

7   Roles and Responsibilities

7.1   Fire Safety Advisors

The Safety Manager and Safety Officer will act as Fire Safety Advisors, and will:

a)   Advise and assist management in the implementation of the provisions of the relevant legislation and applicable guidance in respect of Fire Safety Management, and monitor the control measures used.

b)   Liaise with Building Services and others in the identification and assessment of fire risks within Council premises.

c)   Liaise with relevant parties in the specification of fire precautions in new and existing premises.

d)   Approve, deliver and monitor fire safety training programmes.

e)   Maintain accident records for all fire incidents and investigate the causes of fires within council premises in conjunction with other agencies

7.2   Building Services shall:

a)   Carry out the technical element of fire risk assessments in all relevant Council premises.

b)   Provide an advisory service to building managers regarding the provision of fire precautions.

c)   Advise building managers on the potential effects on existing fire precautions related to proposed construction work in council premises.

d)   Ensure that construction work is carried out in accordance with relevant legislation, guidance and best practice to ensure that fire precautions are as high as reasonably practicable in all council premises.

e)   Ensure that building fire risk assessments are updated appropriately following relevant construction work, and relevant information is disseminated to building managers.

7.3   Building Managers, including Head Teachers shall:

a)   Ensure the maintenance of fire safety management standards within their properties.

b)   Develop documented procedures for ensuring fire safety in premises under their control, including the production of fire risk assessments, evacuation plans, Personal Emergency Evacuation Plans for persons with disabilities and general fire safety management procedures.

In order to fulfill these requirements building managers shall appoint an appropriate number of competent persons to assist them with these responsibilities. These persons shall be known as Fire Safety Co-ordinators.

7.4 Fire Safety Co-ordinators shall be assisted by Fire Wardens, who will also deputise for the Fire Safety Co-ordinator where necessary. The Fire Safety Co-ordinator shall:

a) Ensure that all fire alarms are appropriately tested. Routine testing shall be carried out on a weekly basis, and shall be undertaken at different points throughout the premises.

b) Ensure that regular fire drills are carried out within their premises. The frequency and nature of the drills shall be established by the fire risk assessment.

c) Ensure that an appropriate number of Fire Wardens are appointed and trained to carry out their duties.

d) Carry out regular inspections of the premises and fire precautions at intervals as determined by risk assessment and/or advised by the Safety Manager. Specific requirements and appropriate intervals are attached at Appendix 1.

e) Complete and maintain appropriate records of fire drills, equipment tests and inspections within the Fire Log Book.

f) Record and report any defects or deficiencies in the fire precautions.

g) Provide induction training to all new staff on fire safety measures, and updated information to staff whenever there are changes to existing measures.

h) Liaise with the Fire Safety Advisor and Building Services with regard to any new or proposed fire safety precautions or construction work.

i) Co-ordinate the Fire Wardens during any fire drill or emergency evacuation. They shall be responsible for ensuring that the Fire Service are alerted where appropriate and shall be the liaison with the Fire Officer in Charge in the event of a fire.

j) Respond to a fire alarm sounding in accordance with the emergency procedures developed within each premises as appropriate.

7.5 Fire Wardens shall assist the Fire Safety Co-ordinator within their premises to carry out the functions in 7.4 and shall deputise for the co-ordinator where necessary. They shall also:

a) Check fire control panels in the event of a fire alarm sounding and take appropriate action as determined on a site specific basis.

b) Assist with the evacuation of the premises, specifically with the evacuation of persons with disabilities.

c) Maintain a fire register for the building and check the register at fire assembly points to ensure everyone is accounted for.

7.6 All staff have the following responsibilities:

a) Practice and promote fire prevention.

b) Know the correct action to take if a fire breaks out, including evacuation procedures.

c) To be aware of all smoke and fire hazards within their working environment.

d) To report to their line manager any instances where fire safety precautions are being violated, such as fire doors wedged open, fire escapes blocked or faulty electrical equipment.

8 Fire Risk Assessments

8.1 Every premises is required to have a current, written fire risk assessment in place. The technical part of this assessment, such as the suitability of fire detection and warning equipment shall be carried out by Building Services. The management part, including Housekeeping, Fire Drills, testing and training shall be completed by the Building Manager with assistance from the Fire Safety Co-ordinator.

8.2 No person under the age of 18 shall be employed within any Council premises until a specific fire risk assessment relating to the employment of young persons has been carried out and appropriate control measures implemented.

9 Inspection, Testing and Fire Logs

9.1 Alarm tests must be carried out at least weekly.

9.2 Fire drills must be carried out at least 6 monthly.

9.3 Within residential premises it is not necessary to carry out a full evacuation of the premises every 6 months where horizontal evacuation is carried out.

9.4 Fire fighting equipment, detection equipment and escape routes must be inspected as per the intervals contained within Appendix 1.

9.5 Records of all tests, drills and inspections must be recorded within the Fire Log Book.

10 Emergency Procedures

10.1 Every premises shall develop an emergency procedure to be followed in the event of a fire. This procedure must include:

- Raising the alarm
- Who takes charge

- What telephone calls are required and who is to make them
- Method of evacuating the building, including visitors, contractors and staff
- Assistance for persons with disabilities to evacuate the building
- Assembly point
- Means of confirming that the building has been cleared of people
- Systems for closing doors, windows and closing down equipment
- Procedures for re-entry of building after evacuation

10.2 Where a building is regularly used by either a member of staff or a member of the public who has a disability which may affect their ability to evacuate the building during an emergency, a Personal Emergency Evacuation Plan (PEEP) shall be developed for them. Forms and guidance are attached at Appendix 2.

11 Staff Training

11.1 On the first day of employment each new member of staff must be provided with the following information

- Actions to be taken on discovering a fire
- Actions to be taken on hearing the fire alarm
- The location of the nearest alarm actuation points
- The location of the nearest fire exit
- The location and type of the nearest fire extinguisher
- The location of the assembly points

11.2 As soon as reasonably practicable each member of staff shall attend fire safety awareness training.

11.3 All staff should attend refresher training on an annual basis. This may be carried out by Fire Wardens located within their workplace.

Appendix 1

Inspection and Testing

Daily

- Fire Alarm Panel operating correctly and Log Book present
- Emergency Lighting Control Panels operating correctly
- Exit fastenings removed whilst building occupied

Weekly

- Escape routes, doors, housekeeping
- Fire alarm test
- Sprinkler test (where fitted)
- Smoke control test (where means of smoke control to support escape are installed)
- Operation of evacuation/fire fighting lift switches (if installed)

Monthly

- Emergency lighting test
- Simulated failure of primary power supply to evacuation/fire fighting lifts (where installed)
- Smoke control test (where applicable)
- Fire extinguisher visual check

Quarterly

- Fire Alarm maintenance*
- Sprinkler maintenance*

<u>Six Monthly</u>

- Fire door examination
- Emergency lighting partial discharge*
- Gas extinguishing systems maintenance*

<u>Annual</u>

- Full discharge of emergency lighting*
- Other systems*
- Fire extinguisher maintenance*
- Hose reel maintenance*

Items marked   * shall be maintained by Building Services or a contractor arranged by them.

Emergency evacuation questionnaire for disabled persons

This questionnaire should be completed by, or on behalf of, disabled persons in order to assist the development of a Personal Emergency Evacuation Plan (PEEP).

Please provide as much information to enable the premises manager to develop a suitable plan.

Once developed the PEEP will be the intended means of escape in the event of an emergency (including drills).

1. Why you should fill in the form

Your employer has a legal responsibility to protect you from fire risks and ensure your health and safety at work. The PEEP will be developed based on the information you provide.

If you need assistance, the PEEP will specify what type of assistance you need.

2. What will happen when you have completed the form?

You will be provided with any additional information necessary about the emergency egress procedures in the building(s) you attend.

Name _____

Job Title _____

Location/department _____

Brief Description of Duties _____

LOCATION

1. Where are you based for most of the time?

Please name: the building, the floor and the room number.

----

2.   Do you routinely use more than one location in this building?

YES ☐   NO ☐

If you feel it is necessary please provide further details below. (Please list the buildings and floors you used in each building)

AWARENESS OF EMERGENCY EVACUATION PROCEDURES

3.   Are you aware of the emergency evacuation procedures that operate in the building(s) you attend?

YES ☐   NO ☐

4.   Do you require written emergency evacuation procedures?

YES ☐   NO ☐

4a) Do you require written emergency procedures to be supported by BSL interpretation?

YES ☐   NO ☐

4b) Do you require the emergency evacuation procedures to be in Braille?

Shetland Islands Council: Policy on Fire Safety Management   13

YES ☐   NO ☐

4c) Do you require the emergency evacuation procedure to be on tape?

YES ☐   NO ☐

4d) Do you require the emergency evacuation procedures to be in large print?

YES ☐   NO ☐

4e) Do you require the emergency evacuation procedures in another language?

YES ☐   NO ☐

5. Are the signs which mark emergency routes and exits clear enough?

YES ☐   NO ☐

EMERGENCY ALARM

6. Can you hear the fire alarm(s) in your place(s) of work?

YES ☐   NO ☐   DON'T KNOW ☐

7. Could you raise the alarm if you discovered a fire?

YES ☐   NO ☐   DON'T KNOW ☐

ASSISTANCE

8. Do you need assistance to get out of your place of work in an   emergency?

YES ☐   NO ☐   DON'T KNOW ☐

If **NO** please go to Question 12

9. Is anyone designated to assist you to get out in an emergency?

YES ☐   NO ☐   DON'T KNOW ☐

If **NO** please go to Question 11. If **YES** give name(s) and location(s)

----

10. Is the arrangement with your assistant(s) a formal arrangement?

(A formal arrangement is an arrangement specified for them by the employer or written into their job description or by some other procedure.)

YES ☐   NO ☐   DON'T KNOW ☐

10a) Are you always in easy contact with those designated to help you?

YES ☐   NO ☐   DON'T KNOW ☐

11. In an emergency, could you contact the person(s) in charge of evacuating the building(s) in which you work and tell them where you were located?

YES ☐   NO ☐   DON'T KNOW ☐

GETTING OUT

12. Can you move quickly in the event of an emergency?

YES ☐   NO ☐   DON'T KNOW ☐

13. Do you find stairs difficult to use?

YES ☐   NO ☐   DON'T KNOW ☐

14. Are you a wheelchair user?

YES ☐   NO ☐

If yes, would any condition you have be made worse by having to be evacuated in an evac chair?

YES ☐   NO ☐

If the answer is yes then this must be noted and accommodated within the PEEP.

- 252 -

Thank you for completing this questionnaire.

The information you have given us will help us to meet any needs for information or assistance you may have.

Please return the completed form to your manager:

PERSONAL EMERGENCY EVACUATION PLAN (PEEP) (Office Use Only)

Name ....

Department ....

Building ....

Floor ....

Room Number ....

AWARENESS OF PROCEDURE

The disable person is informed of a fire evacuation by:

- existing alarm system ☐
- pager device ☐
- visual alarm system ☐
- other (please specify) ☐ ....

DESIGNATED ASSISTANCE:

(The following people have been designated to give me assistance to get out of the building in an emergency).

Name ....

Contact details ....

Name ....

Contact details ....

Name ....

Contact details ....

METHODS OF ASSISTANCE:

(e.g.: Transfer procedures, methods of guidance, etc.)

-- - 254 - --

EQUIPMENT PROVIDED (including means of communication)**:**

EVACUATION PROCEDURE:

(A step by step account beginning from the alarm being activated)

SAFE ROUTE(S):

REVIEW:

Dates:

Guidance on Personal Emergency Evacuation Plan (PEEP)

1.1 Aim

The aim of a Personal Emergency Evacuation Plan (PEEP) is:

- to provide people who cannot get themselves out of a building unaided with the necessary information to be able to manage their escape to a place of safety, and

- to give employers the necessary information so as to ensure that the correct level of assistance is always available.

1.2 Responsibilities

It is the responsibility of the manager of the premises to establish with disabled staff or regular users of the premise whether they require any assistance in the event of an emergency. If a member of staff or regular user requires assistance then the Emergency Egress Questionnaire should be completed.

This should be completed by the disabled person with appropriate support from the employer. In addition, other disabled visitors should also be approached as far as practical by local management to determine if there is any assistance or further support required by them during an emergency evacuation, for example visitors to museums/art galleries or visitors attending a function.

Support in this case may include provision of equipment such as Evac chairs and training on their use for appropriate employees. Organisations are now required to have pro-active plans for the evacuation of disabled people.

1.3 Writing the PEEP

From the information gathered in the questionnaire, a PEEP should be developed. Given the unique characteristics of buildings and the need for a PEEP to take account of the building's capabilities, disabled persons who regularly use different buildings may have to have a separate PEEP for each building.

If assistance with evacuation is required, the extent of such assistance should be identified in the PEEP i.e. the number of assistants and the methods to be used. Local management need to ensure that there is cover for absences, and assistants may require training on the evacuation methods.

Shetland Islands Council: Policy on Fire Safety Management   19

1.4 Evacuation in an Emergency

1.4.1 Assisting wheelchair users down stairs

Where disabled persons are located above the ground floor there are a number of considerations.

- **Temporary fire refuges**

A refuge is a designated temporary safe space for disabled people to allow a staged evacuation. This will also require means of communication and accompaniment of the disabled person as appropriate. It is an area that is both separated from a fire by fire resisting construction and provides a safe route to final exit e.g. the head of a protected stairway - where there is sufficient space. The provision of a refuge will permit a staged evacuation to be implemented. A refuge area must be clearly signed and should be of sufficient size to accommodate both people using it as a refuge and any people passing through on their way out of the building.

Temporary fire refuges should only be defined after consultation. It will be the responsibility of the occupier/controlling Service to make contact with the Property/Facilities Manager for the building, as the requirements for fire separation and structure are very specific.

Information in relation to the location of disabled personnel must be given to the Emergency Evacuation Co-ordinator.

- **Lifts**

Most lifts cannot be used in an emergency. Any lift used for the evacuation of disabled people should be either a "fire-fighting lift" or an "evacuation lift" and should be identified as such.

- **Safe routes**

A PEEP should contain details of the escape route(s) the disabled person will be expected to use. Clear unobstructed gangways and floor layouts should be considered at the planning stage. It is especially important to ensure that locks, doors and other devices are all able to be operated by the evacuating persons. It is also necessary to ensure that there are (as much as possible) alternative routes and that the routes are not excessively long.

1.5 Deaf and hearing impaired persons

Generally, most deaf people working alongside hearing colleagues or visitors will not require special equipment, providing they have been made aware of what to do in the event of a fire. They will be able to see and understand the behaviour of those around them. However, deaf or hearing impaired persons working alone may need an alternative method of being alerted to an emergency. For example many alarm systems

Shetland Islands Council: Policy on Fire Safety Management   20

have visual indicators in the form of a flashing light, or vibrating pager systems can be used.

1.6 Blind and partially sighted persons

Employees should be offered orientation training and, where applicable, this must include alternative ways out of the building. If a blind person uses a guide dog it is important that the dog is also given ample opportunity to learn these routes.

1.7 Instruction and Training

To be effective, any egress plan depends on the ability of staff to respond efficiently. Staff should therefore receive instructions, practical demonstrations and training appropriate to their responsibilities. This may include some or all of the following elements:

- Specific training for staff to assist with the evacuation of persons with additional support needs including any equipment to be used;
- Fire drills for staff and visitors;
- Specific training for Fire Wardens; and
- Specific training in the use of fire extinguishers etc.

1.8 Review

The PEEP should be reviewed as necessary due to any changes in circumstances, either personal or environmental, but at least annually.

SHETLAND ISLANDS COUNCIL

ADVERSE WEATHER POLICY
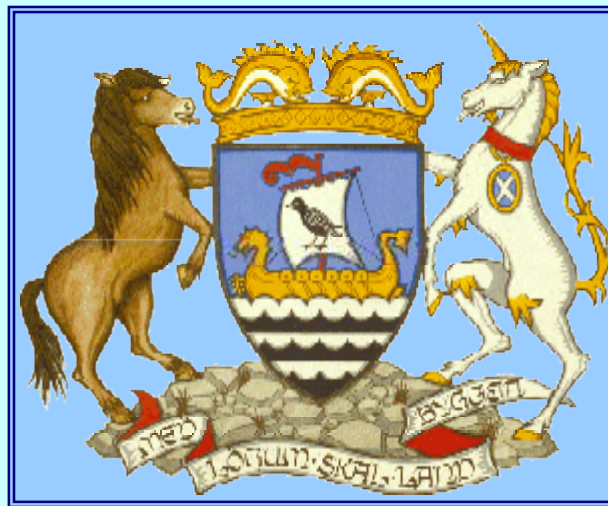
Operational Date: 22 October 2008
Applies to: All staff except school based teaching staff

Shetland Island Council

<div style="background:blue">

ADVERSE WEATHER POLICY

</div>

Operational Date: 22 October 2008
Review Date: 12 February 2011

APPENDIX 1 – WEATHER DRIVING IN SHETLAND

1   INTRODUCTION

1.1   Adverse weather conditions can sometimes make travel to or from work difficult or dangerous. This policy advises Line Managers and employees what procedures should be followed in the event of adverse weather conditions.

2   SCOPE OF POLICY

2.1   This policy applies to all employees of Shetland Islands Council apart from school-based teaching staff. (Separate guidelines exist for school based teaching staff)

3   EMPLOYEE RESPONSIBILITY

3.1   Employee Responsibility for Personal Safety

Employees have responsibility as individuals to consider their personal safety and whether a journey is practical. They are asked to pay attention to Council and Police warnings as well as weather forecasts and actual weather conditions before making a decision to travel. Several sources of information are available – see Section 10.

If they are unable to attend work, they must report this fact, and the reasons, to their Line Manager at the earliest opportunity. Guidelines on travelling to work by vehicle in adverse weather conditions are attached to this policy as an appendix.

Line Managers should not make the decision to travel on behalf of employees. It is for employees to make a final decision on whether it is safe to travel.

3.2   Employee Responsibility to Attend Work

Employees are expected to make all efforts to reach their usual place of work and continue with work as normally as possible provided they can do so safely without putting themselves and others at risk.

4   EMPLOYEE NON-ATTENDANCE AT WORK

4.1   Sometimes adverse weather conditions or transport difficulties can reasonably be anticipated. Employees may seek permission in advance to:

- Take annual leave; (Except school based staff)
- Work from home;
- Report to an alternative work location if possible; or
- Make up hours of work

4.2   Notification

It is the responsibility of employees to contact their Line Manager and let them know if and when they will be able to attend work, taking into

consideration any Police warnings and weather forecasts. On return to work, they must confirm to their Line Manager the reason for their absence.

4.3 Use of Annual Leave

Annual leave can be taken to cover a period of non-attendance, which must be approved in the usual way. If no annual leave remains in the leave year, then up to 5 days leave can be used from the next leave year. (This option does not apply to school based staff.)

4.4 Home Working

Should an employee be allowed to take work home, Line Managers must make sure they do so securely and with regard to confidentiality, having noted the content of the work involved.

4.5 Reporting to an Alternative Work Location

Reporting to an alternative workplace depends on the employee's duties and the arrangements required by the Service. Line Managers should consider what alternative work locations, if any, are available for use by their Service area during periods of adverse weather.

4.6 Hours of Work

Employees are expected to keep to normal hours of work during the period of adverse weather. If they fail to complete their normal hours of work during the period of adverse weather, they will be required to make up these hours within a reasonable timescale. This must be agreed with their Line Manager and would usually be expected to be within four weeks. During periods of extreme adverse weather Line Managers should consider extending this. If employees do not make up their lost hours within the agreed timescale then these lost hours maybe deducted from their pay. In exceptional circumstances, Executive Directors, through a recommendation from the Head of Service may exercise discretion by not requiring lost hours (in total or part) to be made up. H.R. will provide guidance on what level of discretion should apply.

4.7 Essential Members of Staff

If your attendance at work is considered essential, Mangers may have to consider arranging alternative accommodation or transport to and from their place of work.

5 EMPLOYEE REPORTING LATE FOR WORK

5.1 If employees attend work after their normal start time they must confirm to their Line Manager the reason for the late arrival. Where employees late arrival can be anticipated they should contact their Line Manager and let them know when they will be able to attend work, taking into consideration any Police warnings and weather forecasts. They will be required to make

up any lost hours within a reasonable timescale agreed with their Line Manager, which is usually within four weeks.

6 EMPLOYEE LEAVING EARLY FROM WORK

6.1 Line Managers should consider requests sympathetically and respect employee's genuine fears about travelling safely. Employees with children may need to leave early because of school closure. Line Managers and employees should actively seek information on deteriorating weather conditions if adverse weather is forecast.

6.2 Employees must always seek permission from their Line Manager before leaving early. Again, they will be required to make up these hours within a reasonable timescale agreed with their Line Manager, which is usually within four weeks.

7 WORKPLACE CLOSURE/EARLY FINISH DECLARED

7.1 Authority to declare a place of work closed lies with the Chief Executive, and in respect of Schools with the Head of Schools. If an employees place of work has been declared closed or an early finish is declared, employees will be considered to have been available for duty and will be paid in line with this.

7.2 As it is sometimes the case that road conditions vary in different parts of Shetland, the Head of Schools has devolved to Head Teachers responsibility for closing their school. Where this happens the school will be closed to pupils only. Staff should attend work normally and where this is not possible they should follow the procedure outlined in Section 4 – Non-attendance at work.

7.3 Similarly, individual Senior Masters and Masters have devolved authority to decide whether or not a ferry crossing will be cancelled during adverse weather conditions. Where this happens, staff should attend work normally and where this is not possible they should follow the procedure outlined in Section 4 – Non-attendance at work.

8 NON-AVAILABILITY OF PUBLIC TRANSPORT

8.1 Employees' responsibility to report to work in the event of non-availability of public transport remains the same as in adverse weather conditions. Employees' should therefore follow the guidance set out in Section 4 – Non-attendance at work.

8.2 Employees should check public announcements or contact bus operators directly to find out if bus services are to continue as normal. Similarly, they should contact the Ferry Information Voice Bank to find out if ferry services are to continue as normal.

9 EMPLOYEE STRANDED WHILE ON COUNCIL BUSINESS

9.1 Employees, who become stranded while on Council business because of adverse weather or the non-availability of public transport, will be reimbursed any actual necessary expenditure incurred where subsistence allowances do not apply.

10 INFORMATION SOURCES

10.1 Recommended sources for information include:

- **Roads, Department of Infrastructure**
  Telephone: 01595 744866
  During Periods of heavy snow, Roads will endeavour to have staff available from 0700 to provide information about road conditions.

- **Roads, On-line Weather Centre**
  Available through SIC Internet, updated hourly.
  Only provides information on actual conditions (air and road surface temperatures, wind speed and direction) - not weather forecasts.

- **Ferry Information Voice Bank:**
Bluemull Sound Services	01595 743971
Bressay Service	01595 743974
Fair Isle Service	01595 743978
Foula Service	01595 743976
Papa Stour Service	01595 743977
Skerries Service	01595 743975
Whalsay Service	01595 743973
Yell Service	01595 743972

- **Radio Stations:**
  Radio Scotland, 92-95 fm/810 mw
  Radio Shetland, 92-95 fm/810 mw, 1730 - 1800, Mon-Fri
  Radio Orkney, 92-95 fm/810 mw, 0730 - 0800 and 1245 - 1300, Mon – Fri
  SIBC, 96.2fm, weather every half hour between 0600 – 0900 and every hour between 0900 and 1300.

- **Websites:**
  www.northisles-weather.co.uk/
  www.bbc.co.uk/weather/
  www.meto.gov.uk/weather/europe/uk/nwscotland/
  www.onlineweather.com

Please be aware that during extreme adverse weather, the Roads Service may e-mail 'All Council Staff' directly to provide information, for example, if snowplough convoys have been arranged for traffic leaving Lerwick. As weather conditions can change so quickly, the Roads Service cannot accept responsibility for road conditions actually encountered. Individual Services should pass on any relevant information to employees who do not have access to e-mail.

11   CONCLUSION

11.1   It is important that all employees and managers know what to do when there is disruption due to adverse weather.

11.2   Employees must make the final decision whether it is safe to travel and then take every precaution regarding their own safety.

WINTER DRIVING IN SHETLAND

What the Council Does During Winter:

1. Salting or gritting for ice and light snow conditions will start at 6am and continue until 6pm daily.
2. The order of priority for treatment will be main routes, bus and school bus routes and thereafter other routes.
3. Treatment on Sundays and Public Holidays is restricted to the main routes only.
4. No treatment is proposed for Christmas or New Year's days.

What Drivers Should Do:

1. Keep your vehicle fully serviced in good condition with sufficient fuel for your journey bearing in mind fuel consumption may be increased in adverse conditions. Consideration should be given to fitting winter tyres to vehicles likely to be used in winter conditions on secondary and minor roads or on any road outwith working hours.
2. Check your tyres regularly and keep washer bottles topped up with windscreen solution.
3. Clear windscreen and windows before starting any journey.
4. Remember:
    - Look out for ice. Black roads do not mean ice free roads. Winter can be very variable and it is easy to be caught out by sudden changes. Black ice can be a particular danger; it is not readily visible and can persist or recur even after the road surface has been treated with salt.
    - Dawn frosts also catch drivers unaware. At first light a clear sky will allow heat to radiate quickly from the road surface causing icy patches to form on wet or damp roads.
    - Slushy roads are slippery roads.

In Difficult Conditions:

1. Do not travel unless it is absolutely necessary.
2. If you must travel always let someone know of your destination and expected time of arrival.
3. Be prepared for winter conditions – wear or have with you warm and waterproof clothing and suitable footwear. Carry something to eat and drink and keep a shovel and a torch in your vehicle.
4. If you are caught in a snowdrift, don't leave the vehicle unless you are in sight of a suitable destination – let help come to you. Do not keep your engine running for warmth. as there is a danger of carbon monoxide entering your vehicle
5. If you must abandon your vehicle, try to leave it out of the path of snowploughs and advise the Police.
6. Drivers travelling in the evening, overnight or early morning or on Christmas Day or New Year's Day in winter conditions should exercise great care for their own safety and the safety of others, in the knowledge that salting, gritting or snow clearing operations are not normally carried out during those times.
7. If you must drive in difficult winter conditions and require a road condition report, telephone either Roads Service on (01595) 744866 or the Police on (01595) 692110.

Shetland
Islands Council

REPORT

Revised Adverse Weather Policy

1.   Introduction

1.1   The following report seeks Council approval for a revised Adverse Weather policy, which applies to all staff except school based teaching staff. Since Council approved the current guidelines in February 2004 certain inequalities have become apparent. It is also proposed that the current guidelines are amalgamated into one document and described as a policy. A copy of the proposed amended policy is attached as an appendix to this report.

2.   Background

2.1   The current Adverse Weather Guidance consists of the Employees' Guide to Adverse Weather Conditions and Managers Guide to Adverse Weather Conditions, which came into effect on 12 August 1993 and was revised in February 2004. There are separate, consistent provisions that apply to school based teaching staff, agreed through the relevant consultation mechanisms.

2.2   At present in the event of adverse weather, the Head of Schools, following advice from the relevant bodies, will issue a blanket closure to all schools in Shetland. The Head of Schools has also devolved to Head Teachers responsibility for closing a school, as it is often the case that road conditions vary in different parts of Shetland. In these situations the schools are currently closed to pupils and all school based staff.

2.3   This practice has resulted in the inconsistent treatment of staff. Currently where there is a blanket closure of schools, all school based staff do not attend work and receive full pay, whereas on these days, other Council employees must make every attempt to attend work and where they

cannot they must follow the procedures outlined in Section 4 – Non-Attendance at Work.

2.4 The revised policy seeks to ensure that all staff are treated the same and by doing so it suggests that where it is necessary to close schools, then the schools will generally be closed to pupils only. This is consistent with Shetland College, which is typically closed to students only.

2.5 The Head of Schools or the Chief Executive will declare schools closed to pupils and staff only in very exceptional circumstances. In this situation it will remain the case that employees will be considered to have been available for duty and will be paid in line with this. This policy provides a change in focus, in that in the future schools will typically be closed to pupils only. This brings the treatment of school based staff in line with other Council employees, including Shetland College who also operate in this way.

3. Links to Corporate Plans and Priorities

3.1 This policy makes a positive contribution to the commitments to staff set out in the Council's Corporate Plan by ensuring that we treat employees fairly and consistently.

4. Changes to Policy

A working group, including union representatives, was set up to examine the inequalities with the current Adverse Weather guidelines and solutions were determined. The most significant change is outlined below:

4.1 Where, upon advice from the relevant bodies the Head of Schools takes the decision to close schools, the schools will typically be closed to pupils only. In addition, where Head Teachers close their individual school, the schools will be closed to pupils only. All school based staff must now make every attempt to attend work and where they cannot they must follow the procedure outlined in Section 4 – Non-Attendance at Work.

4.2 The current Adverse Weather Employees' Guidelines and Managers' Guidelines with amendments will be amalgamated into one document and renamed, Adverse Weather Policy.

5. Consultation and Communication

5.1 Consultation on draft amendments has taken place with the Chief Executive, Executive Management Team, Heads of Service and Trade Unions.

6. Financial Implications

6.1 There are no financial implications arising from this report.

7. Policy and Delegated Authority

7.1 The determination of new or variation of existing policy has not been delegated, and therefore remains a decision of the Council, in terms of Section 8.0 of the current Scheme of Delegations.

8. Conclusion

8.1 The proposed amendments outlined in this policy will ensure the Council treats all its employees fairly and consistently.

9. Recommendations

9.1 It is recommended that the Council approve the proposed amendments to the existing policy.

64 St. Olaf Street   August 2008
Lerwick
Our Ref: DT   Report No: CE-42

SHETLAND ISLANDS COUNCIL

SUBSTANCE MISUSE POLICY
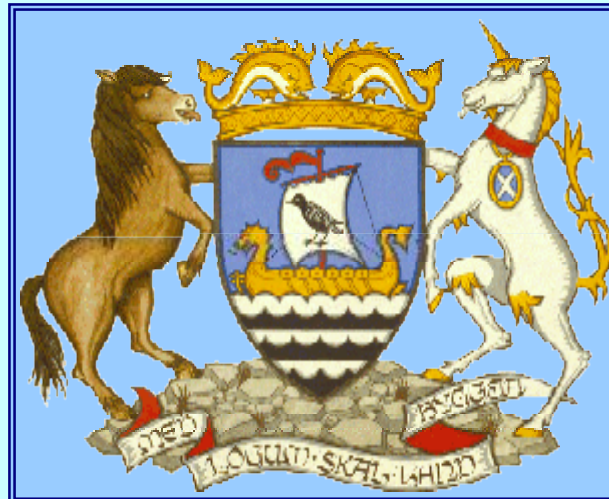
Operational Date: November 2008
Applies to: All Staff

FINAL DRAFT SEPTEMBER 2008

Shetland Islands Council

SUBSTANCE MISUSE POLICY

Operational Date: 30 June 2004
Review Date: 30 June 2007

1   INTRODUCTION

1.1   Shetland Islands Council is committed to ensuring the health, safety and welfare of its employees and those affected by its activities. The Council will take all reasonable steps to reduce, if not eliminate, the risk of injuries or incidents occurring to individuals suffering from the effects of alcohol or substance misuse.   The Council recognises the impact substance misuse can have on employees and those using its services and has developed this policy to protect those who work for or are served by the Council. It is important that the services delivered by the Council are carried out in a safe and efficient manner, and not affected by inappropriate conduct of employees due to substance misuse.

1.2   The Council recognises the importance of its employees' health and well-being and of a supportive working environment. It also acknowledges substance misuse as a health problem affecting an employee's performance, behaviour and attendance as well as impacting on relationships at work and home. Early identification and action on such problems is crucial and the Council encourages staff who have a dependency on alcohol or drugs to seek help through the provisions of this policy.

1.3   Managers must contact Human Resources for appropriate information and advice if they come across an employee with a suspected substance misuse problem.

2   SCOPE OF POLICY

2.1   This policy applies to all employees of the Shetland Islands Council. However, the standards contained within this policy will also apply to contractors, customers and the public when visiting council premises

3   DEFINITION OF SUBSTANCE MISUSE

3.1   For the purpose of this policy, the term 'substance' includes:

- Any illegal drugs – see Appendix 1 for classifications;
- Alcohol;
- Prescribed drugs;
- Over the counter medication;
- Solvents, i.e. lighter gas refills, aerosols, glues, paint thinners, etc.

A substance misuse problem can be defined as any situation whereby an employees' use of any of the above listed substances, either intermittently or continuously, affects his or her health, welfare, social interaction at work, conduct or work capability.

4   POLICY STATEMENTS

4.1   The Council will ensure that all staff are clear that it is unacceptable to attend for work while unfit through substance misuse. Their action may cause danger to themselves, their colleagues or the public.

4.2   Employees must not consume alcohol and/or misuse drugs or other substances whilst at work or during work time whether within or outside the office (for example when driving as part of work), and must not take substances into their workplace with an intention to misuse these.

4.3   Alcohol may be made available on Council premises only for special events or functions (e.g. retirals, Christmas, etc). However, in advance of the event taking place permission should be sought from the Chief Executive, appropriate Chief Officer or Head of Service.

4.4   Staff who are on standby duties must ensure that they are not unfit due to substance misuse in case they are required to go to work. The same also applies to those employees who are required to work with machinery or drive as part of their job.

4.5   In line with the Code of Conduct for Employees, the performance and image of the Council should not be undermined as a result of an employee's behaviour induced by alcohol and/or drugs.

4.6   All staff are reminded that the Council's Disciplinary Procedures regards incapability through substance misuse as gross misconduct, which could result in summary dismissal.

4.7   While employees should be in no doubt that the Council will take action where it is required over an employee's substance misuse, it is important to emphasise its ongoing commitment to creating an environment where employees are able to face up to any dependency and to seek advice and treatment.

5   AIMS OF POLICY

5.1   To promote the health and safety, well-being of employees and lessen the associated problems arising at work from substance misuse.

5.2   To ensure all employees are made aware of the risks and early signs associated with substance misuse through an ongoing health awareness/promotion process.

5.3   To offer appropriate support to those employees known to have substance misuse problems and encourage them to seek advice on the most appropriate course of treatment to resolve the problem.

5.4   To provide clear guidelines on the role and responsibilities of managers whilst dealing with substance misuse among employees.

6   LEGISLATION

6.1   Shetland Islands Council cannot condone illegal activity and managers are expected to report any incident to the Police where it is believed that the law is being broken.

6.2   The Road Traffic Act 1988 states that any person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through drink or drugs shall be guilty of an offence. An offence is also committed if a person unfit through drink or drugs is in charge of a motor vehicle in the same circumstances.

6.3   The principal legislation in the UK for controlling the misuse of drugs is the Misuse of Drugs Act 1971. Nearly all drugs with misuse and/or dependence liability are covered by it. The Act makes the production, supply, offer to supply and possession of these controlled drugs unlawful except in certain specified circumstances (for example, when they have been prescribed by a doctor). It is also an offence for the occupier of premises to permit knowingly the production or supply of any controlled drugs or allow the smoking of cannabis or opium on those premises.

6.4   The Merchant Shipping Act 1995 makes it a criminal offence for masters or seamen who are under the influence of drink or drugs at the time of an act or omission which causes or is likely to cause danger to a ship, structure or individual.

The Railways and Transport Safety Act 2003 makes it an offence:

- To be over a prescribed limit of alcohol while on duty or when a crew member might be required to take action to protect passengers;
- If ability to carry out duties is impaired because of drink or drugs.

6.5   Management of Health and Safety at Work Regulations 1999, made under the Health and Safety At Work Act 1974, requires that employees assess all the risks to their staff and others caused by their work activities. These are therefore obligations on both the employer and any affected employee where use of substances whilst at work could affect the health and safety or welfare of themselves or others.

7   CONFIDENTIALITY

7.1   Respect will be paid to protecting personal sensitive information. Particular care will be taken by anyone involved in the case to ensure that the confidential nature of personal records of staff is strictly preserved. IN any event, personal and sensitive information will be processed in accordance with Data Protection legislation by the Council, its employees and any contractors.

7.2   Access to health information related to testing for substance misuse will be strictly limited to those who need to know.

7.3   A Data Protection Agreement has been arranged with the Testing Laboratory, in line with the Data Protection Act 1998.

8   RAISING AWARENESS OF SUBSTANCE MISUSE

8.1   The Council recognises the benefits which will result from increased awareness of the dangers from substance misuse.

8.2   It therefore has a commitment to raise awareness of substance misuse through a programme of education and training, which is an integral part of its wider health awareness campaign.

8.3   The programme will cover the following:

- awareness of risks associated with substance misuse;
- promotion of sensible drinking habits;
- importance of identifying problems at an early stage.

8.4   Information will also be provided to managers in recognising the signs, handling this sensitive issue competently, in confidence and with sympathy and tact.

8.5   Referral of an employee for support and/or treatment and help will not affect normal promotion prospects.

8.6   If employees are concerned about their own substance misuse problem they are encouraged to seek help quickly. All employees are urged not to collude with colleagues where substance misuse is causing problems at work. Such misplaced loyalty compounds and aggravates the problem and could lead to disciplinary action being taken against those colluding to subvert this policy (see Appendix 1 for contacts and support groups).

9   IDENTIFICATION OF POSSIBLE SUBSTANCE MISUSE

9.1   The earlier substance misuse is identified, the more likely it will be that the employee will overcome such problems. Listed below are signs which may indicate a substance problem.

- Increased absenteeism – frequent Monday and/or Friday absences, increased sick leave, arriving late or leaving early from work;
- Increased accidents – at work and/or elsewhere, repeated violation of safety practices;
- Low performance standards – abnormal fluctuations in concentration and energy, poor judgement, sporadic work patterns, increased errors, periods of high and low productivity, lower quantity/quality of work;
- Personality changes – sudden mood changes, unusual irritability or aggression, tendency to become confused, deteriorations in relationships with colleagues;

- Change of appearance – lack of personal hygiene, hand tremors, slurred speech, dilated pupils, smell of alcohol.

It should be noted that these are possible signs of misuse and may be caused by other factors such as stress or other medical conditions. In accordance with this policy, assistance should be offered to those employees who show any of these signs. It is advisable to discuss these signs at an early stage with Human Resources, which could lead to an occupational health appointment being made.

9.2 Shetland Islands Council may test any employee for cause, or potential employee for substance misuse. Testing may take place in the following circumstances:

- Pre-employment screening in specified employment areas with the discretion of the Head of Service;
- Regular medical screenings for example ENG1, HGV etc;
- As part of an agreed Substance Misuse Recovery programme.
- Suspected to be under influence of a substance;
  - After an accident or incident;
  - After a near accident or incident.

Failure to supply a sample may be construed as gross misconduct.

9.3 Testing in these circumstances will be by referral to the Occupational Health Services (OHS) whenever possible. In the event that the OHS is not contactable or unable to attend the testing will be carried out a trained nominated substitute. The Occupation Health Practitioner and nominated substitute will use an appropriate method, and ensure confidentiality within the manner of the policy.

9.4 Substitutes will be appointed within service areas where circumstances may make it difficult to contact the OHS at all times. They will be trained to carry out authorised testing procedures in line with approved Council testing procedures.

10 EMPLOYEES UNDER THE INFLUENCE OF SUBSTANCE AT WORK

10.1 Where an employee is visibly under the influence of a substance at work, arrangements must be made where possible, for the employee to be sent home safely.

10.2 An investigation, in line with Section 4 of the Council's Disciplinary Procedure, must be carried out.

As part of this investigation, the employee may be asked to undergo testing for the presence of substances in a sample. For alcohol this will be a sample of breath and/or blood and for drugs this will be a sample of oral fluid taken by mouth swab. Testing will be conducted by trained individuals on samples collected with the employee's knowledge, and the results

provided to the employee. The provision of a clear sample will assist the Investigating Officer in recommending that no further action be taken in terms of this policy.

10.3   The provision of a positive sample means that once the investigation has been concluded, action may be taken under the Council's Disciplinary Procedure. This will allow consideration of any ongoing substance dependency or personal circumstances.

10.4   Employees working in safety critical roles that are taking prescription drugs or over the counter medication must ensure that their performance is not adversely affected.   Generally the onus is on employees to declare their use of drugs with such potential side effects, this includes legal product use for example, codeine in cold/flu cures.

11   SAFETY CRITICAL POSTS

11.1   For the purposes of this policy, Safety Critical posts are defined as those posts where the employee is responsible for driving a vehicle or vessel, operating machinery or working with explosives. Employees must be informed that they are working in what the Council defines as a safety critical area and this will be included in new employee induction when they take up a new post in the Council.

12   REFERRAL PROCEDURE

12.1   Self Referral

12.1.1 An employee with a dependency or concern regarding substance misuse can seek help and support from the Council in overcoming their problem. This can be done in the following ways:

- discuss the problem with a senior member of staff (line manager/supervisor) who will deal with the matter. He/she must take advice from Human Resources and may recommend the involvement of the OHS and/or an external specialist provider;
- contact the Staff Welfare Officer. This will be treated in confidence, although the department will have to be informed where the job involves safety considerations and care of others;
- contact a Human Resources Adviser directly who will identify the relevant agencies;
- contact the Safety Manager in the event of a risk to health and safety of the individual or other employees;
- contact a trade union representative or safety representative who will also be available to deal with the problem;
- respect will be paid to protecting personal sensitive information and in accordance with Data Protection legislation.

12.1.2 Where a Substance Misuse Recovery Programme requires time off to attend counselling with an appropriate and accredited agency during working time, paid time off will be granted.

12.1.3 Where an employee is unfit to carry out his/her job while on a recovery programme he/she will be on sick leave (this would need to be certified by their GP after the period of self certification) unless the individual circumstances make it possible to place the employee in a temporary post which can accommodate a Substance Misuse Recovery Programme requirements.

12.1.4 Where the Council is supporting an employee treatment or counselling it must be recommended and supervised by the Council's Occupational Health Service provider or the employee's own GP (where both the GP and the employee are happy to work in this way).

12.2 Referral by Manager

12.2.1 Managers must contact Human Resources or the Staff Welfare Officer if they come across a situation where they think substance misuse may exist. Either will advise on the appropriate action to be taken.

12.2.2 All Managers have access to training or information which equips them with the knowledge of how to recognise a substance misuse problem and to be able to deal with it including a possible meeting.

12.2.3 Information for Managers will include how to conduct this meeting which requires sensitive handling.

The following should be covered:

(i)   circumstances observed;
(ii) offer of help;
(iii) disciplinary consequence of continuing present pattern.

12.2.4 If there are signs that indicate an employee may have a substance problem the manager should contact Human Resources and arrangements should be made to discuss this with the employee. When the employee is asked to attend this interview he/she will be advised that they have a union representative or a colleague present. The interview will relate to the work performance aspects and behaviour. Human Resources can be invited to attend this meeting if required.

12.2.5 If the employee acknowledges that an alcohol or drug problem does exist, and agrees to undertake a Substance Misuse Recovery Programme this will be put in place using the OHS, the employees own GP, or some other agency.

12.2.6 In cases where a referral follows an incident in the workplace, an employee will be required to agree to and sign a Substance Misuse Recovery Contract as part of the agreed recovery programme (see Appendix D).

12.2.7 The Substance Misuse Recovery programme must be clear, with agreed targets, and be monitored. During this time the employee must meet agreed work targets and make progress on the programme.

12.2.8 The interview will be conducted by the manager and a Human Resources Adviser if requested. A note must be taken of the meeting.

12.2.9 If the employee does not acknowledge the existence of a problem, the matter will be referred to the Head of Service who will consider further action. This may include disciplinary action with regard to any impaired work performance or behaviour.

12.3 Referral of a Colleague

12.3.1 If an employee has concerns about any colleague's performance at work and believes these are caused by substance misuse, they should contact their manager who will raise the work performance issues confidentially with the employee concerned. Alternatively these may be raised with a Human Resources Adviser, Staff Welfare Officer or a senior trade union representative who will refer the matter to the Head of Service, again in confidence.

13 ASSISTANCE WITH OVERCOMING SUBSTANCE DEPENDANCE

13.1 It is not possible to outline only one course of action to achieve a position where work problems due to misuse do not reoccur. There are many different approaches to rehabilitation and the Council wishes to be flexible in the programmes it will support.

13.2 However, there are a number of ground rules which must be established which are mentioned in Para 11.2.5 and above and are clarified below.

13.3 The manager who is the contact person within the employing department must liase through the OHS where this is agreed with the individual employee, or with the GP (where both the doctor and employee are happy for the GP to supervise the Substance Misuse Recovery Programme).

13.4 The Substance Misuse Recovery programme for the employee, must set out the targets, including timescales. These must be achievable and measurable and set out how these are to be monitored. An assessment must be done, through the OHS or GP, to determine whether the employee can remain at work while the programme is being followed and whether an employee can remain in their own job for the duration of the programme. This will be primarily where there are safety considerations, for example, in Safety Critical Posts (see Section 11) or when caring for others.

13.5 The OHS will provide the manager co-ordinating the programme with a progress report.

13.6 It is the responsibility of every manager to carry out regular monitoring of any individual who is undergoing treatment or counselling in order to provide support and to review progress.

13.7 An employee who does not make the expected progress on a programme or who fails to accept help or continue with treatment will be interviewed by the manager co-ordinating the programme who may find it necessary to take disciplinary action if the required work performance is not achieved.

13.8 It is recognised that there may be a recurrence of a dependency problem after the return to work. The Council will consider each case on its merits before agreeing to a second recovery programme. Where a second programme is agreed this may take place as part of a disciplinary process.

14 COMPLAINTS

14.1 Employees who have questions or problems with the interpretation, provisions or application of this policy, should first raise this with the relevant Head of Service, who if necessary, will consult with the Head of Organisational Development. This can include representation by the employee's trade union. If this procedure fails to produce a satisfactory result to the employee concerned, recourse may then be made to the Council's Grievance Procedure. Administration staff within each service or on the Human Resources web site can provide information about the Grievance Procedure.

15 POLICY REVIEW

15.1 This policy will be reviewed one year after implementation and then after a further two years.

FACTS AND CONTACTS

DRUG CLASSIFICATION

The Misuse of Drugs Act 1971 divides illegal drugs into the following three categories:

Class A: Includes cocaine (including crack cocaine), ecstasy, heroin, LSD, methadone, morphine, opium and magic mushrooms prepared for use.

Class B: Includes amphetamines. Any Class B drug that is prepared for injection is treated as Class A.

Class C: Includes most benzodiazepines (e.g. temazapam, valium, mogadon), anabolic steroids, cannabis and cannabis resin.

ALCOHOL UNITS

As per Department of Health advice, sensible drinking limits are defined as no more than 21 units a week for adult males and 14 units a week for adult females. To reduce health risks from drinking, this should be spread over the week, i.e. 3-4 units per day for men and 2-3 units a day for woman.

A unit of alcohol is 10ml of pure alcohol. Counting units of alcohol can help keep track of the amount being drunk. The list below shows the number of units of alcohol in common drinks:-

- A pint of ordinary strength lager (Heineken, Carling Black Label, Fosters) – 2 units
- A pint of strong lager (Stella Artois, Kronenbourg 1664) – 3 units
- A pint of bitter (John Smith's, Boddingtons) – 2 units
- A pint of ordinary strength cider (Dry Blackthorn, Strongbow) – 2 units
- A 175ml glass of red or white wine – around 2 units
- A pub measure of spirits – 1 unit
- An alcopop (e.g. Smirnoff Ice, Bacardi Breezer, WKD) – around 1.5 units

Remember that lagers and ciders sold in bottles are usually stronger than those sold on draught. The labels of some bottled drinks will tell you how many units of alcohol are in the bottle.

CONTACTS

Occupational Health Service
Dr Mark Hilditch
NHS Shetland
Brevik House
South Road
Lerwick
Appointments must be made through Human Resources.

Staff Welfare Service
Wilma Ross
13 Hill Lane
Lerwick
Tel: 01595 744580
Fax: 01595 744585
Mobile: 07766 421 055
wilma.ross@sic.shetland.gov.uk

Safety Manager
Fiona Johnson
4 Market Street
Lerwick
Tel: 01595 744567
Fax: 01595 744585
fiona.Johnson@sic.shetland.gov.uk

SUPPORT GROUPS

Community Alcohol & Drugs Service Shetland (CADSS)
44 Commercial Street (above Feardie-Meat)
Lerwick
Tel: 01595 695363
Email: admin@cadss.org.uk
Open Monday – Friday 10.00am to 5.00pm

Alcoholics Anonymous
Annsbrae House (entrance off Knab Road)
Lerwick
National Helpline: 0345 697555
Meet every Friday at 7.00pm in Congregational Church Hall, Clairmont Place, Lerwick.

COUNSELLING AGENCY

Samaritans
13 Charlotte Street
Lerwick
Tel: 01595 694449
National Helpline: 08457 909090

www.samaritans.org.uk

Open from: 7.30pm to 10.30pm, Sunday – Wednesday
                      9.00pm to 10.30pm, Thursday – Saturday

NATIONAL HELPLINES

Alcoholics Anonymous
Tel: 0345 697555
www.alcoholics-anonymous.org.uk

National Drug Helpline
Tel: 0800 776 600

Know the Score
Tel: 0800 587879
www.knowthescore.info

Shetland Islands Council

MINUTE

Employees Joint Consultative Committee
Council Chamber, Town Hall, Lerwick
Tuesday 23 September 2008 at 10am

Present:
Council Side:
L Angus   B Fullerton
A S Wishart   J G Simpson

Employees Side:
J Leach, UNISON.
B Edwards, UNISON
S Russell, GMB
R Williamson, GMB
C Williams, TGWU
C Alderson, TGWU

Observers
H Jones, UNISON
K Groat, AMICUS (Unite)

Apologies:
A J Cluness   I J Hawkins

In Attendance (Officers):
C Ferguson, Head of Community Care
J Smith, Head of Organisational Development
D Bell, Human Resources Manager
J MacLeod, Single Status Project Manager
D Thomson, Trainee Human Resources Officer
F Johnson, Safety Manager
A Cogle, Service Manager – Administration

Chairperson
Mr J Leach, Chairperson of the Committee, presided.

Circular
The circular calling the meeting was held as read.

The Chairperson advised that 2 Union representatives were in attendance as observers, but would be allowed to participate with his consent.

The Chairperson noted that 2 additional items had been submitted for adding to the agenda at short notice, namely: (1) Policy on Fire Safety Management; and (2) Health, Safety and Welfare Policy.   He sought agreement from both Sides to their inclusion on the agenda.

Mr C Williams referred to the Policy on Fire Safety Management report, and said that the TGWU would like that report to be deferred as there had been no discussion of this report with their Members. It was agreed that this report would be deferred to the next meeting.

Both Sides agreed to the inclusion of the report regarding the Health, Safety and Welfare Policy.

Minutes
The minute of the meeting held on 15 April 2008 was confirmed on the motion of Mr L Angus, seconded by Mr R Williamson.

11/08   **Equality and Diversity Issues – Equalities Update**
The Committee considered a report by the Head of Organisational Development (Appendix 1).

After hearing the Head of Organisational Development summarise the terms of the report, Mrs B Fullerton referred to section 5.2 regarding gender equality and females seeking promotion, and asked whether the same figures were available for men. The Head of Organisational Development said there were figures, although they were not that much different in terms of the balance. He confirmed that the figures did not include Teachers, but they would in the next report, although it was known that there were certainly more women Head Teachers than men. In response to a further question from Mrs Fullerton, the Human Resources Manager confirmed that in some instances promotion did not necessarily mean a more senior post, but could be a post that paid more. She said that, in this respect, what people regarded as promotion required definition.

The Head of Organisational Development said that, particularly within the Education service, the biggest issue in bringing a balance was still to do with career continuity. He said that there were issues to do with dealing more effectively with career breakages, such as giving consideration to more flexile management arrangements.

Both Sides noted the terms of the report, and endorsed the approach being taken.

12/08   **Creation of Post of Adult Protection Co-ordinator**
The Committee considered a report by the Head of Community Care (Appendix 2).

The Head of Community Care introduced the report, indicating that the proposal was intended to mirror the current arrangements in place for child protection, and the intention was to maintain the appointment within existing funding.

Mr L Angus said it was important to note that this was a fixed term for 2 years, which was the period of the grant funding.

Both Sides noted the funding element of the report, but accepted its terms.

13/08 **Revised Substance Misuse Policy**
The Committee considered a report by the Human Resources Manager (Appendix 3).

During discussion, the Joint Union Side, whilst accepting the terms of the report, were of the view that random testing of only safety critical posts was not acceptable. However, they advised that in terms of equality and fairness, random testing applicable to all staff would be acceptable.

The Human Resources Manager advised that there were potential legal difficulties with imposing random testing for all staff, and there were very little, if any, comparable policies within other local authorities, although there were some private businesses that had such a policy.

The Council Side were also in agreement with random testing applying to all staff, particularly in relation to current efforts in raising awareness in Scotland, and in Shetland, as to the detrimental effects of alcohol, and the general culture surrounding alcohol that exits. Members agreed that the emphasis of any such policy should be on education and support, rather than on disciplinary issues.

Both Sides accepted the terms of the report, and agreed that there was no general opposition to random testing, although accepted that there may be legal difficulties, but further exploration of the issues would be welcomed.

14/08 **Revised Adverse Weather Policy**
The Committee considered a report by the Human Resources Manager (Appendix 4).

Both Sides accepted the terms of the report.

Mr R Williamson said that in circumstances where offices or other buildings were closed and staff were allowed to go home, this could not apply in practice to certain non-office based staff such as road gritting crews, and that this could be seen as unfair.

During discussion it was noted that there were a variety of posts where staff could not just leave their place of work, such as Social Care Workers. It was agreed, however, that recognition of these circumstances would be made within the Policy, and that consideration should be given as to how this matter could be addressed. In this regard, it was agreed that the matter would be presented for discussion in the first instance to the Single Status Negotiating Forum, with a view to identifying the number and type of jobs concerned, what facilities they have available for rest periods, etc.

Both Sides confirmed their agreement of the Policy as proposed, but that these additional issues be taken forward, as suggested.

15/08   **Health, Safety and Welfare Policy**
The Committee considered a report by the Safety Manager (Appendix 5).

After introducing the report, the Safety Manager expressed her thanks to everybody who gave their time and comments on the document.

In response to a question from Mr L Angus, the Safety Manager confirmed that that all designated workplaces within the Council came under HSE regulations, including Schools. She went on to confirm that the report had omitted to state that there would be no financial implications, and that this would be amended before the report was presented to the Council.

Mr C Alderson pointed out that there was no mention of the MSA or the MAIB within the policy.   However, the Safety Manager advised that these were not referred to separately, but were contained within the relevant port Safety Management Systems, which applied to all marine operations rather than HSE, which only applied to shore based operations.

The meeting concluded at 10.40 a.m.

………………………………   …………………….…………………
J Leach   L Angus
Chairperson   For Vice-Chairperson
Employee Side   Council Side