



MINUTES OF THE MEETING OF THE CABINET

TUESDAY 14 MAY 2019
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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Committee Members Present:

Councillor S Akhtar
Councillor N Hampshire
Councillor W Innes (Convener)
Councillor J McMillan
Councillor F O'Donnell

Other Councillors Present:

Councillor L Bruce
Councillor F Dugdale
Councillor J Findlay
Councillor A Forrest
Councillor J Henderson
Councillor C Hoy

Council Officials Present:

Mrs A Leitch, Chief Executive
Ms A MacDonald, Director of Health and Social Care
Ms M Patterson, Depute Chief Executive – Partnerships and Community Services
Mr J Lamond, Head of Council Resources
Ms S Saunders, Head of Communities and Partnerships
Mr D Proudfoot, Head of Development
Ms F Robertson, Head of Education
Mr T Reid, Head of Infrastructure
Ms F Robertson, Head of Education
Ms J Tait, Head of Children and Adult Services
Mr S Cooper, Team Manager - Communications
Mr C Grilli, Service Manager – Legal and Procurement
Mr E John, Service Manager – Sport, Countryside and Leisure
Ms J Lothian, Sustainable Energy and Climate Change Officer
Mrs K MacNeill, Service Manager – People and Governance
Ms Z McFadzean, HR Business Partner
Ms W McGuire, Team Leader – Strategy and Development

Clerk:

Mrs L Gillingwater

Apologies:

Councillor J Goodfellow

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – CABINET 12 MARCH 2019

The minutes of the meeting of the Cabinet of 12 March were approved.

2. REVISED CASUAL WORKERS POLICY AND CASUAL WORKERS DISCIPLINARY CODE

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking Cabinet approval of amendments to the Casual Workers Policy, following consultation with the Joint Trades Unions and employees prior to the policy being approved by CMT.

Zoe McFadzean, HR Business Partner, presented the report, advising that the Casual Workers' Policy had recently been reviewed to take account of a number of changes in practice. She highlighted the key changes to the Policy, noting that staff and Trades Unions had been consulted. She added that a briefing note on the changes would be prepared for managers.

Ms McFadzean responded to a series of questions from Members, noting that casual posts were advertised through various informal channels in addition to the MyJobScotland website and the Job Centre, and that travel allowances for casual staff were no different to those of permanent staff. She added that, based on benchmarking that had been undertaken to date, East Lothian would be one of the few councils to offer incremental progression for casual employees.

Councillor Akhtar welcomed the report and the consultation with Trades Unions. She highlighted the importance of the role of casual staff and the need to support them through a robust policy.

Councillor Innes also commented on the importance of continuity of service, which was provided by casual employees, and to ensure that such staff were properly recompensed. He particularly welcomed the proposal to introduce incremental progression.

Decision

The Cabinet agreed to approve the revised Casual Workers Policy (attached at Appendix 1 to the report), noting that it would be introduced on 1 June 2019, to allow time for communication of the revised policy to be issued to all staff.

3. THE EAST LOTHIAN COUNCIL (SCOTTISH OPEN, THE RENAISSANCE CLUB) (EXEMPTION) ORDER 2019 AND THE EAST LOTHIAN COUNCIL (LADIES SCOTTISH OPEN, THE RENAISSANCE CLUB) (EXEMPTION) ORDER 2019

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval of the making of two Orders under Section 11 of the Land Reform (Scotland) Act 2003, to facilitate the holding of the Aberdeen Standard Investments Scottish Open 2019 Golf Championship and the Aberdeen Standard Investments Ladies Scottish Open 2019 Golf Championship, both to be held at The Renaissance Club, Dirleton, East Lothian.

Eamon John, Service Manager – Sport, Countryside and Leisure, presented the report, advising Members of the need for the Orders for reasons of the safety and security of the players and the safety of the public, and to permit access only by ticket holders during the events. He also drew Members' attention to the consultation on the Orders, to which no objections had been received.

Councillor Findlay questioned whether public access between Gullane and North Berwick would be affected during the periods that the Orders would be in place. He was reassured that the John Muir Way would not be affected by the Orders.

As the Council's Economic Development and Tourism spokesperson, Councillor McMillan highlighted the benefits to East Lothian in hosting high profile golfing events and of the positive relationship between the Council and the golf industry. He also paid tribute to the work done by the East Lothian Local Access Forum.

Councillor Innes welcomed the Scottish Open and Scottish Ladies Open Championships being held in East Lothian. He thanked Council staff for their work to ensure that the competitions would be a success.

Decision

The Cabinet agreed:

- i. to approve the making of The East Lothian Council (Scottish Open, The Renaissance Club) (Exemption) Order 2019; and
- ii. to approve the making of The East Lothian Council (Ladies Scottish Open, The Renaissance Club) (Exemption) Order 2019.

Signed

Councillor Willie Innes
Council Leader and Convener of the Cabinet

REPORT TO: Cabinet
MEETING DATE: 10 September 2019
BY: Chief Executive
SUBJECT: Corporate Risk Register 2019

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1 PURPOSE

- 1.1 To present to Cabinet the Corporate Risk Register 2019 for discussion, comment and approval.

2 RECOMMENDATIONS

- 2.1 It is recommended that Cabinet approves the Corporate Risk Register for 2019.

- 2.2 In doing so, Cabinet is asked to:

- agree that the relevant risks have been identified;
- agree that the significance of each risk is appropriate to the current nature of the risk;
- agree that the total profile of Corporate Risk can be borne by the Council at this time in relation to the Council's appetite¹ for risk;
- recognise that, although while Corporate Risks require close monitoring and scrutiny throughout 2019-20, many are in fact long term risks for the Council that are likely to be a feature of the risk register over a number of years; and,
- note that the Council Management Team will review all risks in the Corporate Risk Register on a regular basis.

3 BACKGROUND

- 3.1 In keeping with the Council's risk management strategy, the Corporate Risk Register has been updated following a review by the Corporate Risk Management Group on behalf of and in consultation with Council Management Team.

¹ How much risk the council can bear, or could be willing to take in pursuit of an opportunity (if it were judged to be (1) worthwhile pursuing and (2) the council was confident in its ability to achieve the benefits and justify the risk).

- 3.2 In presenting the proposed Corporate Risk Register 2019 to Cabinet for approval, the Council Management Team would wish to draw the Committee's attention to one specific matter. All risks have been evaluated using the standard (5x5) risk matrix which involves multiplying the likelihood of occurrence of a risk (scored 1-5) by its potential impact (scored 1-5). This produces an evaluation of risk as either 'low (1-4)', 'medium' (5-9), 'high' (10-19) or 'very high' (20-25).
- 3.3 The Council's response in relation to adverse risk or its risk appetite is such that:
- Very High risk is unacceptable and measures should be taken to reduce, transfer or treat the risk to a more tolerable position
 - High risk may be tolerable providing the Council is assured that adequate and effective control measures are in place
 - Medium risk is tolerable with control measures that are cost effective
 - Low risk is broadly acceptable without any further action to prevent/mitigate risk.
- 3.4 The 2019 Corporate Risk Register includes 9 High risks and 10 Medium risks.
- 3.5 In accordance with the Risk Management Strategy 'Very High' and 'High Risks' identified in the Corporate Risk Register will be subject to closer scrutiny by the Council Management Team, the Cabinet and the Audit and Governance Committee.

4 POLICY IMPLICATIONS

- 4.1 In approving this report the Council will be further establishing a policy that will ensure risk management principles are embedded across the Council.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – It is the consideration of the Corporate Risk Management Group that recurring costs associated with the measures in place for each risk are proportionate to the level of risk. The financial requirements to support the Register for 2019 should be met within agreed budget allocations. Any unplanned and unbudgeted costs that arise in relation to any of the corporate risks identified will be subject to review by the Council Management Team and if required will be reported to Council.
- 6.2 Personnel – There are no immediate implications.

6.3 Other – Effective implementation of this register will require the support and commitment of the Risk Owners identified within the register.

7 BACKGROUND PAPERS

7.1 Appendix 1 – Corporate Risk Register 2019

AUTHOR'S NAME	Scott Kennedy
DESIGNATION	Emergency Planning, Risk and Resilience Officer
CONTACT INFO	skennedy@eastlothian.gov.uk 01620 827900
DATE	29th August 2019

East Lothian Council Corporate Risk Register (V30: 2nd September 2019)

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned Risk Control Measures	Assessment of Predictive Risk			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
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			L	I	L x I		L	I	L x I			
ELC CR 1	<p>Brexit</p> <p>The uncertainty around Brexit (and the resulting 'deal' or 'no deal') will have an impact on the local economy, local funding and the delivery and funding of council services. With a fast-changing political environment, the wider ramifications of the decision to leave the European Union are yet to be fully identified. Whilst there may be some opportunities, there is also considerable uncertainty that affects areas of the economy, financial markets, interest and exchange rates, construction, grants from the EU, Investment and other non-financial aspects.</p> <p>We may see a gradual slow down during period of uncertainty. A potential council impact (+/-) on:</p> <ul style="list-style-type: none"> Inward investment and positive awareness of the UK; EU funding for council-led business and training projects is known with the timescale permitted for delivery, however the university, farm businesses and other players will be accessing funding from EU sources which will be stopped at some point. Increased input and export costs for local businesses; Council and local business workforce pressures Procurement Inflationary pressures. Which could reduce and could in turn impact on the council, the university, housing market, capital costs resulting from increased cost of labour which could slow business rates growth (Inflation risk based on latest OBR predictions), workforce pressures e.g. regulatory services, social care providers, procurement costs, inflationary pressures caused by fluctuations in sterling value and potentially a loss of EU grants funding. <p>Key potential causes are:</p> <ul style="list-style-type: none"> Gradual slow down during period of uncertainty. Workforce pressures e.g. regulatory (food imports/export), social care providers. Inflationary pressures caused by fluctuations in sterling value. Loss of EU grant funding <p>EU National Staff do not apply for Settled or Pre-settled status and have no right to remain in the UK. This may result in staffing issues in a number of roles e.g. teachers, social care workers, social workers. Overall national and local economic impact in relation to:</p> <ul style="list-style-type: none"> RPI, cost of goods, services, supplies Overall employment Cost of borrowing Availability of goods on import and cost if 	<p>The wider ramifications of the decision to leave the European Union are yet to be fully realised and felt in national and local economy. Whilst there will be some opportunities there is also uncertainty that may affect areas of the economy, financial markets, interest and exchange rates, construction, grants from the EU, Investment and other non-financial aspects.</p> <p>"No-deal and EU-exit" has been acknowledged as a Corporate Risk.</p> <p>"No-deal and EU-exit" contingency planning is a regular item on the CMT agendas.</p> <p>CMT has established a "no-deal exit and EU-exit preparedness group" (Brexit Working Group) chaired by the appointed lead officer: Service Manager – Protective Services.</p> <p>The Brexit Working Group is appropriately engaged with internal subject matter experts on sectoral vulnerabilities and have a mechanism in place to rapidly assess and escalate these risks where appropriate.</p> <p>CMT has considered a detailed Brexit Preparedness Report: Position Statement, presented on 7th March 2019. The Position Statement was reviewed on a fortnightly basis to 24th April, at which point the Brexit Working Group agreed to reconvene as directed and determined by local and national requirements leading to 31st October EU-Exit.</p> <p>The Lead Officer has contributed to Resilience Partnership Planning for Reasonable Worst-Case outcomes and the layering of multiple scenarios and outcomes.</p> <p>The Council has contributed to a national call for information through COSLA seeking input on likely impact of Brexit in different regions and participate in frequent teleconferences.</p> <p>Home Office facilitated an event providing information and guidance to employers in Haddington in February 2019.</p> <p>Specific HR Actions for EU National Employees:</p> <ul style="list-style-type: none"> Project plan created to capture major milestones and actions from November 2018 to June 2021 Identified EU nationals through use of equalities information and manual checks of employee records to obtain right to work information and issued letter to impacted employees Presented paper to CMT : EU Settlement Scheme overview and recommended actions Joint Trade Union engaged, advised of actions and provided all communication materials Create and issued LM pack, providing overview and copy of letter for information with Home Office posters for display 	4	4	16	4	4	16	Council Management Team	All actions ongoing and dependant on decisions taken by UK Government	New risk created and evolved through 2018/19 by CMT and Brexit Working Group.	

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	<p>available</p> <ul style="list-style-type: none"> General value of our currency 	<ul style="list-style-type: none"> Provided overview of EU Settlement scheme and project plan to JCC Included relevant information in Inform articles 1:1 meetings with Health & Social care staff to advise that there is a pilot available and NHS staff are being encouraged to join. However, ELC not promoting to its staff as awaiting details from Scottish Government re 'refund of fees per joint letter with Welsh Government to UK Government' <p>A Lothian & Borders Local Resilience Forum was in place, including the ELC EP, Risk & Resilience Manager, engaging and liaising with partner agencies through the East Regional Resilience Partnership (RRP) and Lothian & Borders Local Resilience Partnership (LRP). This ensures partnership working processes are in place and understood, should such processes be invoked.</p> <p>Environmental Health and Trading Standards have engaged with the business community to ensure preparedness for EU-Exit in terms of imports and exports.</p> <p>Economic Development has signposted all businesses to the Scottish Enterprise website (prepareforbrexit.scot) and continues to liaise with businesses as to their concerns and issues. Ongoing intelligence gathering through other local authorities and national agencies.</p> <p>Through the Brexit Working Group, the Council has engaged in internal and external communications, multi-agency decision-making and response arrangements.</p> <p>Through the Brexit Working Group, the Council has engaged in business continuity collaboration arrangements with local partners and neighbouring Local Authorities: via LRP/RRP.</p> <p>The Council has assessed internal essential services business continuity arrangements.</p> <p>Through the Brexit Working Group, the Council has operated a horizon-scanning and assessment system to identify, assess and respond to emerging risks.</p> <p>EU Settlement Scheme – UK/Scottish Government paying fee for this – will set up local centres to help people who are affected.</p> <p>Planned actions for EU National Employees:</p> <ul style="list-style-type: none"> Direct Mail to introduce, remind and highlight key messages throughout Monthly inform article which counts down until the full scheme is live in March 2019 and quarterly Inform articles reminding of the deadline to apply. 										

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ELC CR 2	<p>Managing the Financial Environment</p> <p>The Council may not be able to manage its obligations within the resources available.</p> <p>Reducing general funding levels, increasing ring fenced and short term funding, and increasing demand for services, means that the Council is having to ensure that it remains financially resilient and services can be delivered sustainably.</p> <p>The Council is managing a multitude of pressures, and if these are not successfully planned for and managed effectively over the medium to longer term there would be a serious risk of unplanned / reactive budget realignments with significant adverse impact on availability and quality of both front-line services and required investment in the Council's infrastructure and asset base. This includes the requirement to successfully plan and deliver recurrently identified savings proposals.</p> <p>Over the medium term it is highly likely that the Council's income will, at best, remain static and may even reduce. At the same time it will have specific cost and demand pressures to deal with. These include:</p> <ol style="list-style-type: none"> (1) Supporting the resource requirements associated with the delivery of the growth agenda resulting from the Local Development Plan; (2) Associated demographic change and social-economic pressures; (3) Growing inflationary pressures and contractual commitments including pay and pensions; (4) Potential financial costs associated with a wide range of new obligations or legislative changes. 	<p>The Council has well developed medium term financial planning arrangements. These include:</p> <ul style="list-style-type: none"> • Five year financial strategy; • Three year General Services revenue budgets; • Five year General Services capital plan budgets; • Five year Housing Revenue Account revenue and capital budgets. <p>The Financial Strategy also contains an enhanced reserves strategy which sets out the current level of reserves and associated commitments, including a requirement to maintain a minimum level of uncommitted reserves to support any unforeseen event.</p> <p>The Council has an enhanced range of cost control and financial management arrangements for managing in year budget performance and delivery of planned efficiencies. This includes monthly management information to CMT and wider Council management, and quarterly financial information to Council. This provides mitigating controls in terms of the immediate financial risk and pressures the Council is faced with.</p> <p>In addition, the Council has in place a Transformation Programme which is monitored on a monthly basis by the Council Executive Team, and mitigating actions taken on projects as required to bring them to successful conclusion</p> <p>The Council has in place a Financial Monitoring Risk Assessment where services are assessed and provided within a risk rating. Any service areas which are classified as High Risk are asked to prepare financial recovery plans, and enhanced financial controls are in place.</p> <p>Continue to closely monitor information arising from both UK and Scottish Financial settlements through intelligence gathered from COSLA, professional bodies such as CIPFA Directors of Finance and also credible professional commentators.</p>	4	4	16	<p>Enhanced in year monitoring and review of expenditure commitments against approved budgets.</p> <p>Continued development of budget proposals to ensure that the Council can continue to deliver its obligations within financial resources.</p> <p>Continued development of longer term scenario based financial planning to inform future decisions and longer term financial strategies and financial plans.</p> <p>Continued scrutiny and challenge of planned efficiency measures to ensure they can be delivered and achieved within agreed timescales.</p> <p>Development of annual Capital Strategy supporting the future capital programme.</p> <p>Explore new options for enhanced commercial opportunities within the organisation to maximise income generation for the Council.</p> <p>Ensure the financial strategy sets a clear financial framework for the Council to operate within and that it is appropriately implemented and monitored.</p> <p>The Chief Executive along with the Depute Chief Executives has established a transformation board to oversee delivery of a transformational programme of strategic change projects to improve services and secure planned efficiencies.</p> <p>Establishment of a Budget Review Group chaired by the Chief Executive which will provide enhanced budget scrutiny on the financial performance of the Council.</p>	3	4	12	<p>Chief Executive</p> <p>Depute Chief Executive – Resources and People Services</p> <p>Depute Chief Executive – Partnerships and Community Services</p> <p>Head of Council Resources</p> <p>Chief Operating Officer Finance</p> <p>Council Management Team</p>	<p>Actions ongoing and under continuous review while monitoring arrangements will continue to be applied.</p>	<p>Risk reviewed by Head of Council Resources and Chief Operating Officer Finance May 2019 with no change to assessment of scores.</p> <p>Risk reviewed by Head of Council Resources and Service Managers - Finance May 2017 with Current Score reduced from 20 to 16.</p> <p>Risk reviewed by Head of Council Resources and Service Manager Business Finance May 2016 with no change to assessment of current scores.</p> <p>Risk reviewed by CMT in May 2014 and current score increased from 15 to 20.</p>
ELC CR 3	<p>Welfare Reform</p> <p>The rollout of Universal Credit, (UC) in East Lothian started in April 2015. Whilst initially involving only a small number of cases the subsequent rollout by JCP/DWP of the Universal Credit Full (Digital) Service in East Lothian on 23rd March 2016 has seen a significant number of households migrate from legacy benefits to UC.</p> <p>The main risks/issues associated with the UC rollout include:</p> <ul style="list-style-type: none"> • A wider range of people in scope for claiming UC & higher volume of cases as a consequence 	<p>The Benefits Service is continuing to make full use of additional Discretionary Housing Payment (DHP) and continues to monitor its SWF & DHP expenditure.</p> <p>Council has actively lobbied in various relevant arenas – UK and Scottish Governments both directly and via COSLA. This has resulted in senior DWP Officers attending PPRC Committee meeting to account for UCFS impact on Council performance.</p> <p>Revenues & Benefits Services engage with colleagues in other LAs/RSLs, CoSLA and DWP UC/Job Centre Plus officers to ensure a managed transition to Universal Credit is achieved.</p> <p>DWP funding has been utilised to appoint a Welfare Development Officer. This post is temporary, subject to continuation of funding</p>	4	4	16	<p>Council services will continue to work with the UC Project Team in respect of timescales for the Managed Migration phase rollout of UCFS.</p> <p>Council services will continue to explore the potential for further increasing automation of UC Change of Circumstances notifications (LCTRs).</p> <p>The Benefit Service reserves the option to implement 'high and most compelling' (priority level) in order to keep SWF & DHP expenditure within budget.</p>	3	4	12	<p>Depute Chief Executive – Resources and People Services</p> <p>Service Managers – Benefits & Financial Assessments and Revenues & Welfare Support</p>	<p>December 2019</p> <p>December 2019</p> <p>December 2019</p>	<p>Risks refreshed by Service Managers May 2019 with no change to assessment of current scores.</p> <p>Risk reviewed by Board of Directors August 2018 and Assessment of Current and Residual Scores reduced from 20 and 16 to 16 and 12.</p>

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	<ul style="list-style-type: none"> Additional demand for (SWF) Crisis Grants. (Risk of overspend)% increase in UC related current tenant rent arrears An increased risk of reduced take up of Council Tax Reduction and increased arrears Overall reduction in HB caseload brings the size & scope of Benefits Administration into question. DWP Housing Benefit Admin Subsidy distribution methodology changed from 2019/20 onwards. In spite of 'transitional protection' being applied by the DWP this will still result in 'significant' ongoing reductions in ELC's HB Admin' subsidy grant every year until the end of 2021/22 The return of Temporary Accommodation cases from UC Housing Costs to HB has been broadly welcomed, (in respect of claimant's interests). However, contrary to previous service planning expectations this is now expected to increase the number of residual HB cases to be administered by what may soon be a reduced ELC Benefits Service. Reduced HB processing performance below DWP performance expectations is likely to induce more intensive engagements with the DWP Housing Delivery Performance Team and/or Audit Scotland Performance Audit. Increased demand for Discretionary Housing Payments, (DHP) risk of funding gap. Managed migration dates (for remaining HB to UC claims) still to be announced but this represents further financial risk and gives rise to capacity issues. <p>A reduction in DWP (UC related) funding which has been supporting, the Welfare Development Officer and an additional Personal Budgeting Support post along with and Digital Assistance for UC claimants could jeopardise these elements of service delivery.</p> <p>The secondment of experienced Benefits Officers to newly established, temporary Financial Inclusion posts risks further depletion of HB/SWF decision making/processing capacity.</p> <p>As a consequence of reduced grant funding and decisions already taken as part of the Council's budget setting process, staffing structures will be required to change and additional financial savings will need to be delivered.</p> <p>This presents additional risks and challenges:</p> <ul style="list-style-type: none"> A reduction in the number of management posts may reduce command & control capacity and ability to train and develop staff. These changes will also result in increased work pressures for some staff. Risk that reducing income posts would give rise to false economy whereby collection 	<p>Council Officers continue to engage with the new Scottish Social Security Agency in relation to development of devolved and 'localised' welfare provision/administration.</p> <p>An additional £100k was allocated in the Administration budget 2017/18 to help mitigate the impact of UC on rent arrears.</p> <p>Council officers have provided reports/briefings to the Council's PPRC Committee, (Universal Credit/Rent Collection).</p> <p>DWP Universal Support funding has been used to fund a Financial Inclusion post within the Welfare Rights team to provide a Personal Budgeting Support capability for new/recent UC claimants. This post is temporary, subject to continuation of funding.</p> <p>An additional 1.6 FTE Financial Inclusion positions have been funded within the Welfare Rights team to carry out campaign work to help Council tenants prepare for UC managed migration (existing HB claimants). This work will help safeguard the Council's rental income.</p> <p>The Council's Welfare Rights team helps to secure unclaimed welfare benefit money for people who cannot do this themselves and who are often in desperate need of help (£3.5m in 2018/19). The team also works in partnership with Macmillan Cancer Support to provide welfare advice and support to people and families affected by cancer (this project alone secured income gains of over £1.36m for clients in 2018/19). The Council also provides funding to the East Lothian Advice Consortium (Haddington and Musselburgh CAB and Carers of East Lothian) to provide free, impartial, confidential advice (including advocacy and representation) to all residents of East Lothian. Both the Council's Welfare Rights team and the partners in the Consortium are involved in delivering the Council recommendations within the Poverty Commission Action Plan.</p>				<p>East Lothian Advice Services review.</p> <p>ELC Management & staff will continue to engage with other LAs, JCP/DWP, CoSLA and Scottish Government at a range of levels.</p> <p>Service review to integrate the Revenues & Welfare Support and Benefits & Financial Assessments services on a phased basis</p>				<p>Head of Communities & Partnerships</p> <p>Head of Council Resources</p>	<p>March 2020</p> <p>March 2020</p> <p>December 2019</p>	<p>Risk refreshed by Service Managers – Benefits & Financial Assessments and Revenues & Welfare Support July 2018 with no change to assessment of current scores.</p> <p>Risk refreshed by Service Managers – Benefits & Financial Assessments and Revenues & Welfare Support July 2017 with no change to assessment of current scores.</p> <p>Risk refreshed by Service Manager – Benefits, November 2016 with Current Risk Score increased from 16 to 20 due to the introduction of the Universal Credit "Full Service" since March 2016.</p> <p>Risk refreshed by Service Managers – Revenues & Benefits March 2016 with both current and planned scored increased to 16 due to current uncertainty.</p>

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	<p>rates (Council Tax/Housing Rent/Business Rates/Sundry Accounts) would reduce by more than the cost of funding deleted posts.</p> <ul style="list-style-type: none"> Risk that reducing welfare/benefit support posts would significantly weaken the Council's ability to improve the life chances of the most vulnerable in our society and reduce poverty and inequality. 											
ELC CR 4	<p>Information Security and Data Protection</p> <p>Information Security Failure to have comprehensive council wide Information Security Management (ISM) measures in place will put at risk the availability, integrity and confidentiality of the councils information and may cause a Council wide failure of central I.T. systems (incl. Telephony) caused by a malicious attack by hackers, virus, trojan, disclosure of information or Fire/Flood event.</p> <p>Attacks via spam emails containing infected ransomware attachments are on the increase amongst local authorities and should these emails manage to break through Firewalls and Intrusion Detection Systems there is a high possibility of file encryption at both a local and network wide levels.</p> <p>The Cabinet Office has introduced zero tolerance for all LA's connected to the Public Sector Network (PSN). All Scottish LA's use the PSN to register Births, Marriages & Deaths and connection to DWP for benefit provision. We have to re-accredit to this network every year and must meet stringent requirements. Failure to do so would mean disconnection from the PSN.</p> <p>In 2017 the Scottish Government introduced the Cyber - Public Sector Action Plan which sets out the minimum security standards for all public bodies</p> <p>Data Protection In May 2018 the UK Government introduced the Data Protection (DP) Act 2018. The 2018 Act updates DP legislation to take account of recent technological innovations and increases the Council's obligations to demonstrate and maintain compliance, as well as enhancing individual rights.</p> <p>The Council reviewed arrangements for handling subject access requests as it anticipated a rise in the number received due to the removal of the £10 fee chargeable under the previous DP Act 1998. Additionally the timescale for responding to these requests will reduce from 40 days to 1 calendar month. The number of such requests has indeed increased compared with previous years creating additional strain on resources.</p> <p>Breach of the Data Protection Act, other confidentiality requirements, any relevant laws or duty of care through the loss or wrongful transmission of</p>	<p>Information Security The Council uses the international standard ISO 27001:2017 as the framework for its ISM system.</p> <p>As part ISO27001:2017 a number of control areas are set out : IS policy; IS organisation; Human resources security; Asset management; Access controls and managing user access; Physical & Environmental security of all sites/equipment, Secure communications, Data handling and Data Protection (including paper documents); Secure acquisition, development, and support of information systems; Security for suppliers and third parties; Information Security Incident management; Business continuity/disaster recovery (to the extent that it affects information security);</p> <p>Annual IT health checks on the existing infrastructure.</p> <p>New systems introduced are risk assessed and security checked to ensure they meet the criteria.</p> <p>Council Information Governance and Security (IGS) Forum co-hosted by the IT Team Manager – Infrastructure and Security and the Team Manager – Information Governance / Data Protection Officer.</p> <p>Data Protection Compliance – The Council takes measures to avoid breaches of law, statutory, regulatory or contractual obligations (including the DP Act 2018, GDPR and Public Records (Scotland) Act 2011).</p> <p>The Council has reviewed and updated its Data Protection Policy</p> <p>The role of Data Protection Officer is a statutory role which the Council filled in March 2018. The Council also now has a dedicated Data Protection inbox.</p> <p>IS, DP and Records Management Awareness training now forms part of our induction process. This now incorporates a mandatory GDPR module which is supplemented by paper and person-to-person training. Data Protection, GDPR and IS awareness training is mandatory for all employees and must be renewed every two years. The Data Protection Officer has developed a GDPR toolkit including templates, guidance and information to support Corporate GDPR compliance. The Toolkit will be updated and maintained on a continuous basis.</p> <p>The Council's Records Management Plan covers how the Council manages its records and includes links to</p>	4	4	16	<p>Information Security Upgrade of external facing systems taking place to increase security of our internet facing gateways.</p> <p>The Cyber Essentials + accreditation will be introduced across our corporate and education networks to ensure we meet the Scottish Government Cyber Action Plan in 2019/20.</p> <p>Acceptable use policy for all ELC employees is to be refreshed during 2019/20 with all employees expected to sign.</p> <p>Data Protection The Data Protection Officer will oversee a series of "health checks"/audits in various Council departments to ensure compliance and to improve practice.</p> <p>The Council needs to complete and publish a Corporate Information Asset Register which identifies all Council Information Assets and Data Flows.</p> <p>The Council must ensure that data subjects are informed through Privacy Notices regarding how we use, share and retain personal information.</p> <p>The Council also needs to ensure that all staff are aware of and complying with the Corporate Retention Schedule.</p> <p>The Council needs to review information sharing agreements and contracts to ensure they are fit for purpose. As part of this review the Council will also need to introduce agreements where they are not in place.</p>	3	4	12	Depute Chief Executive – Resources and People Services Head of Council Resources Depute Chief Executive – Partnerships and Community Services	<p>March 2020</p> <p>March 2020</p> <p>March 2020</p> <p>March 2020</p> <p>March 2020</p> <p>March 2020</p> <p>March 2020</p>	<p>Risk further reviewed and updated August 2019 with no change to assessment of current scores.</p> <p>Risk reviewed March/April 2015 with new measures now in place although risk score remains at 16 due to the increase of attacks via spam emails containing infected ransomware attachments amongst local authorities.</p>

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	<p>information (including information stored electronically) could result in</p> <ul style="list-style-type: none"> - harm to individuals; - legal action; - fines of up to 20 million euros; - requirement to pay compensation; - adverse publicity; - damage to reputation <p>The Act also introduced a mandatory 72 hour window in which to report relevant breaches to the Information Commissioners Office.</p>	<p>our IS, DP policies and retention schedule. There is an annual approval of Progress of Records Management Plan by The Keeper.</p> <p>CMT and SMT have both been briefed on GDPR/DPA 2018 and will continue to receive briefings from the DP Officer and any other relevant staff.</p> <p>The Council website has been updated to include a revised privacy statement and cookie policy.</p> <p>Large numbers of staff Council-wide have been reviewing information sharing agreements and contracts. Revised templates for Information Sharing Agreements and Data Processing Agreements have been produced and a joint strategy with Procurement, Legal and People and Governance is in place to roll out updates to all new and existing contracts.</p> <p>The Council implements DP Impact Assessments (DPIA) for all new business processes which will be incorporated into the Council's Integrated Impact Assessment Process. A standalone template has been produced to enable staff to complete DPIAs for individual processes/projects.</p> <p>The DP Officer has attended multiple team meetings to brief on GDPR and required actions. The DP Officer has also held several meetings with the transformation team regarding supplier compliance and DPIAs. DPIA is also embedded in the Transformation teams' project methodology.</p> <p>The DP Officer and the Communications team have created a Communications Plan including Inform briefings, e-mail updates, training and briefings.</p> <p>The Council has a close working relationship with SOLAR (Society of Local Authority Lawyers and Administrators) and attends meetings regularly. These meetings are also attended by the Information Commissioners office. The Council also attends and currently chairs ASLAWG (Archivists of Scottish Local Authorities Working Group) to share best practice with other record keeping professionals.</p> <p>Data Breaches A Data Breach Team has been established including the Team Manager – Information Governance/DPO, the IT Team Manager – Infrastructure and Security, the Service Manager – People and Governance, the Service Manager – Legal and Procurement, and the Head of Council Resources. The group meets as needed to address reported data breaches quickly and effectively in line with new mandatory 72-hour reporting deadlines.</p> <p>A Data Breach Procedure has been approved by CMT including a mandatory reporting form for completion by staff upon discovering a breach. All breaches are to be reported to the Data Breach Team by phone or email within 24 hours of discovery.</p>										

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ELC CR 5	<p>Limitation (Childhood Abuse) (Scotland) Bill</p> <p>On 16 November 2016 Scottish Government introduced the Limitation (Childhood Abuse) (Scotland) Bill to remove the three year limitation period for civil actions arising out of childhood abuse (defined to include sexual abuse, physical abuse, and emotional abuse) relating to children who have been in the care system. This means survivors no longer have to persuade a court to exercise its power to allow an action to proceed notwithstanding the three year limitation period and may raise action relating to the predecessors Councils responsibilities</p> <p>In conjunction with the Scottish Child Abuse Inquiry there is an increased likelihood of claimants coming forward potentially resulting in financial implications if historic allegations of child abuse are made and upheld against East Lothian Council as the statutory successor.</p> <p>There is no way of knowing how many claims may be made (i.e. all 'living' potential claimants). The Council has received intimation of several claims for compensation and at least two court actions have been raised and are progressing through the Court. It is anticipated this number will rise considerably. The Council's insurers have indicated that they will cover appropriate external legal costs and compensation payments but the cases will place considerable strain on internal resources within the legal, social work and records management teams for which there is no additional budget.</p>	<p>Child Abuse Claims Group and SCAI Overview Group – East Lothian co-ordination of responses, reported strategically, managed flow and collaboration.</p> <p>Close monitoring of the work of the Scottish CAI itself and review of any published materials.</p> <p>Records Management Expertise allows us to respond effectively to SAR requests and information requests / provide evidence.</p> <p>Cross Lothian collaboration on Lothian Region period 1975 to 1996 (and predecessor authorities) re-records management etc.</p> <p>Accurate records post 1996 relating to East Lothian Council clients.</p> <p>Scotland-wide networking and information sharing on SCAI between authorities.</p> <p>Council Financial Reserve – may reduce the impact to service provision if claims extend beyond budget.</p> <p>Continue current working practices with care experienced young people in accord with national legislation and care standards, reducing likelihood of any 'new' claims arising.</p>	4	4	16	<p>CACG and SCAIOG reports to CMT – to sustain level of awareness of risk.</p> <p>Monitor and build a timeline showing the Councils control of the schools from 1975 onwards.</p> <p>Monitor to ensure that there is sufficient staffing resource available to deal with claims, court actions and recovery of documentation and to preserve the Council's position.</p> <p>Make budgetary provision for any additional costs/claims that may not be covered by insurance.</p>	3	3	9	East Lothian Council	Continue to progress all and report quarterly to CMT.	<p>Risk reviewed May 2019 with no change to assessment of current scores.</p> <p>New risk created March 2017 and further reviewed and updated August 2018 with no change to assessment of risk scores.</p>
ELC CR 6	<p>Flooding and Coastal Erosion</p> <p>As the incidence of flooding and coastal erosion increases as an impact of Climate Change, there is an increased risk of disruption to road and path networks, impact on public safety, damage to roads, property, harbours and natural heritage sites and an associated increase in claims against the Council.</p>	<p>Flooding and drainage issues are considered when processing planning applications. Inspection regimes and good housekeeping measures in place.</p> <p>The Severe Weather Response Plan has been developed and ensures a co-ordinated and consistent multi-agency response across the county. Emergency surface water, coastal and river flood procedures in place and have proven effective.</p> <p>Shoreline Management Plan has been produced. A National Flood Risk Management Strategy has been produced and a Local Flood Risk Management Plan for the Forth Area has also been published to meet the requirements of the Flood Risk Management (Scotland) Act 2009 which includes specific actions to be discharged by the Council.</p> <p>Flooding advice is on the Council website and directs people to the relevant pages on the SEPA website.</p> <p>The Council is working with various organisations to promote and progress "Resilient Communities" as per the Scottish Government initiative "Ready Scotland".</p> <p>Communication with vulnerable groups regarding access and assistance during severe weather events.</p>	4	4	16	<p>ELC have commissioned Flood Studies for Haddington and Musselburgh and are progressing a Flood Protection Scheme on the River Esk through Musselburgh.</p> <p>Flood Protection Schemes for Musselburgh and Haddington have been included in the List of Prioritised Actions in the Local Flood Risk Management Plan for the Forth Estuary Local Plan District. Implementation of Flood Protection Works is reliant on available funding. These two schemes are being funded 80% by Scottish Government and 20% by East Lothian Council.</p> <p>The Musselburgh Flood Protection Scheme is a fully established project. It has completed two of its nine stages, and is undertaking Stage 3 – the Option Appraisal Process. The project is programmed to achieve construction completion and flood protection achieved by October 2024.</p>	3	3	9	<p>Depute Chief Executive – Partnerships and Community Services</p> <p>Depute Chief Executive – Resources and People Services</p>	<p>2024</p> <p>2016-2022</p> <p>2024</p> <p>2024</p>	<p>Risk further reviewed and updated May 2019 with no change to assessment of current scores.</p> <p>Risk further reviewed and updated March 2017 with no change to assessment of current scores.</p>

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ELC CR 7	<p>Expansion of Early Learning and Childcare (ELCC) to 1140 hours.</p> <p>Scottish Government are implementing plans to expand ELCC to 1140 hours by 2020. Risk that this cannot be delivered within the timescale due to challenges of expanding within existing resource, available funds and staffing.</p> <p>Risks that there are insufficient funds available to fully cover all capital and revenue costs.</p> <p>Risk that expansion cannot be delivered due to pressures on other council departments</p> <p>Risk that quality in existing early years provision deteriorates because the focus is on the expansion.</p> <p>Reputational risk to the Council from Scottish Government reporting on progress in relation to the delivery of 1140hrs ELCC. Parents not able to access 1140hrs of ELCC.</p> <p>There is a risk to the Council that a significant increase in workload reduces the availability of other Council service areas to ensure delivery to timescale.</p> <p>Reputational risk to the Council from Partnership centres who regard the offered hourly rate as non-sustainable and decline to be in partnership.</p>	<p>The Council continues to develop detailed plans and work with Scottish Government to take forward the expansion. Project board and associated working groups are already in place. Regular meetings in place with SG officials / SFT and the Improvement service to review our plan and provide advice on any changes required.</p> <p>There is clear governance of the project through the 1140 hours project board to ensure careful planning, communication and monitoring of progress.</p> <p>Work underway to establish baseline of quality across all provision and ELCC across all settings will be supported and monitored by the early years team</p> <p>Scottish Government National Standard and associated guidance followed. Relationships have been well established with neighbouring authorities and learning from other approaches ensures that progress is on track.</p> <p>Strong focus on the quality of existing provision alongside the expansion and enhancement of the number of staff focussed on both areas.</p> <p>Positive engagement with partner nursery providers of early learning and childcare to ensure planning meets the Scottish Government brief regarding parental choice, flexibility, quality and accessibility.</p> <p>Work stream groups established, including cross sector representation, and network meetings that feed in to the project board to ensure collective detailed planning across service areas and consider risks associated with delay.</p> <p>Regular planned governance meetings with focussed actions and reporting on key priorities take place.</p>	3	4	12	<p>Continue to review the planning and preparation for full implementation by 2020. Continue to engage with officials from SG / SFT and the IS in rolling out our plan.</p> <p>Ongoing work with council departments to ensure key priorities are met.</p> <p>Liaison with SG to ensure that risks are flagged and that the service is aware of expectations and demands.</p>	2	4	8	<p>Head of Education</p> <p>Head of Council Resources</p> <p>Head of Finance</p> <p>Chief Operating Officer (Education)</p>	<p>August 2020</p> <p>August 2020</p> <p>August 2020</p>	<p>Risk reviewed and updated August 2019 with no change to assessment of scores.</p> <p>Current risk score reduced by Chief Operating Officer (Education) from 16 to 12 in November 2018 due to ongoing work with stakeholders and a continued focus on quality. Residual score also reduced from 12 to 8.</p> <p>New risk created August 2017 by Education Senior Management Team.</p>
ELC CR 8	<p>Duty of Care to Public and Public Protection</p> <p>The Council has a responsibility to provide care and support for the people of East Lothian and East Lothian's environment. Any breach of this duty of care may compromise legislative duties, health, safety and wellbeing, impacting on, for example, the protection of children and adults.</p> <p>Failure to fulfil the duty of care could also result in serious harm/death to an individual/s, prosecution, having to pay compensation and have a negative impact on the reputation of the Council.</p> <p>A failure to secure efficient and effective Public Protection arrangements, covering Child Protection, Adult Support and Protection, Offender Management, Violence against Women and Girls and Substance Misuse services, may see the Council being unable to fulfil its statutory duties/duty of care which could contribute to a service user suffering harm/death or detriment. This would in turn result in reputational damage to and increased scrutiny of the Social Work services.</p>	<p>The East and Midlothian Public Protection Committee (EMPPC) incorporates the Adult Protection Committee, Child Protection Committee, Offender Management Committee and Violence Against Women Partnership and ensures robust links with Midlothian and East Lothian Drug and Alcohol Partnership (MELDAP).</p> <p>Revisions to the East Lothian and Midlothian Public Protection Office and model for Domestic Abuse service delivery. Continued investment in the office's frontline domestic abuse support service.</p> <p>Increase in the hours of the Multi-Agency Risk Assessment Coordinator, to help manage the rising number of referrals through the domestic abuse referral pathway.</p> <p>A multi-agency case file audit of core Adult Support and Protection processes, aligned with the Care Inspectorate quality improvement framework, took place in July 2019 and reports to the East Lothian and Midlothian Public Protection Committee on 27 August 2019. Identified areas for improvement will be taken forward through the Public Protection Improvement</p>	3	4	12	<p>A multi-agency self-evaluation exercise for Child Protection is underway and will conclude by 31 March 2020, aligned with the Care Inspectorate quality improvement framework.</p> <p>The East Lothian and Midlothian Public Protection Office coordinated the joint involvement of East Lothian and Midlothian as pilot areas in the national minimum dataset for Child Protection. The pilot ended in July 2019. The dataset itself is scheduled for implementation in the 2020/21 fiscal year, although will not be mandatory. Sessions are scheduled with the Centre of Excellence for Looked After Children in Scotland (CELCIS) in October 2019, to support how we embed the dataset locally, integrating revisions to our approach to data collation and analysis within the context of our broader Public Protection framework.</p> <p>The East Lothian and Midlothian Public Protection Office website will be rebuilt by</p>	2	4	8	<p>Chief Executive</p> <p>Critical Service Oversight Group</p> <p>Depute Chief Executives</p> <p>Director of East Lothian Health and Social Care Partnership</p> <p>Heads of Service</p> <p>Chief Social Work Officer</p> <p>Public Protection Team Manager</p> <p>Health and Safety Team</p>	<p>March 2020</p> <p>October 2019</p> <p>October 2019</p>	<p>Risk further reviewed and updated August 2019 with no change to assessment of current scores.</p> <p>Former Public Protection and Duty of Care to Public Risks combined and reviewed May 2016. Current risk score reduced from 16 to 12 and Predictive Risk score reduced from 12 to 8 as likelihood reduced.</p> <p>Risk reviewed and updated April</p>

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			L	I	L x I		L	I	L x I			
	<p>The duty of care is at the heart of the Council's approach to risk management. The likelihood of this risk occurring is influenced by a range of factors including:</p> <p>(1) Complexity of service delivery, infrastructure, environment and partnership arrangements across the Council services;</p> <p>(2) Increasing population and the number of vulnerable people in East Lothian;</p> <p>(3) Increased population and more complex service demands presented by an increasing number of service users whilst resources have reduced</p> <p>(4) Levels of deprivation in East Lothian;</p> <p>(5) Capacity in partnership and purchased services.</p>	<p>Plan and the responsible Social Work Group Service Manager.</p> <p>The East Lothian and Midlothian Public Protection Office have drafted a communications strategy for key areas of Public Protection, with the support of the local authority communications team. This will involve internal audiences and the broader public, through a range of media channels. The strategy will be take forward through the Communications and engagement sub-group of the East Lothian and Midlothian Public Protection Committee, which meets quarterly.</p> <p>Governance and scrutiny arrangements through Critical Services Oversight Group (CSOG), including Self Evaluation. The Public Protection Office Business Plan is reviewed six monthly by CSOG.</p> <p>Policies, Protocols, Procedures and Guidance are in place, subject to ongoing review and update and available on Public Protection website: www.emppc.org.uk.</p> <p>Chief Social Work Officer (CSWO) fulfils statutory role and responsibilities, overseeing and reporting on Public Protection issues to Chief Executive and Elected Members, reporting annually to Council giving oversight of Public Protection performance including assessment of risks and pressures.</p> <p>The Council continues to work towards delivering the UK Governments Counter Terrorism strategy, known as CONTEST, of which Prevent is a key element. The EMPPO has led on revisions to our Prevent referral pathway.</p> <p>All employees can access appropriate training/E-Learning, free of charge, covering Public Protection.</p> <p>All Regulated Services e.g. Care homes for older people, residential units for young people, Schools are inspected by Care Inspectorate and HMIE. Action Plans are implemented following on from all Regulated Services inspections.</p> <p>The Lead Officers for Child Protection and for Adult Support and Protection chair meetings to review decisions taken at Inter-agency Referral Discussion where significant risk is identified.</p>				<p>31 October 2019 and will be much more targeted, interactive and user-friendly.</p> <p>By 31 October 2019, the East Lothian and Midlothian Public Protection Office will coordinate a joint response to improve how we meet our obligations under the Counter Terrorism and Security Act (2015) and the Prevent Duty for Scotland Guidance (2018), to give due regard to the need to prevent people being drawn into terrorism. This will involve joint training opportunities, awareness raising activities and learning from best practice. The EMPPO will continue to coordinate Prevent Professional Concerns Case Conferences, where an individual has been identified at risk of being drawn into terrorism.</p>				Emergency Planning and Risk Management Team	October 2019	2015 by CMT with further review planned throughout 2015/16.
ELC CR 9	<p>Duty of Care to Council Staff (Health & Safety)</p> <p>East Lothian Council has a duty of care and has existing Health and Safety Policies to look after the care of staff to all its employees across the full range of services and those who can be affected by the Council's activities.</p> <p>Any breach of this duty of care may affect the health, safety and wellbeing of the Council's employees leading to increased sickness absence, pressures on service delivery with the added potential for claims against the Council for incidents involving employees or non-employees.</p>	<p>All employees receive an induction, have job outlines and follow the PRD process ensuring all are capable and trained to perform safely in their roles.</p> <p>Quarterly Joint Health and Safety Committees oversee the Health and Safety Agenda of Council. This is supported by Joint Consultative Committees/Departmental committees examining health and safety at a department level.</p> <p>Quarterly reviews of Occupational Health Service referral levels take place. Monthly Occupational health contract and work level review takes place along with a review of service need and demands.</p>	3	4	12	<p>Imminent re-specification and re-tender of the Contact Centre Client Management System, hosting the staff lone working component, in progress to sustain lone working system and process.</p>	2	4	8	<p>Depute Chief Executive – Partnerships and Community Services</p> <p>SDAW Group</p> <p>Health and Safety Team</p> <p>Human Resources</p>	September 2019	<p>Risk reviewed and updated August 2019 with no change to assessment of current scores.</p> <p>Risk refreshed December 2015 by CMT with current residual score reduced from 15 to 12 and planned score</p>

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	<p><u>Lone Working</u> Failure of the Council to provide employees with effective Lone Working Arrangements and the appropriate training could result in injury or death to those employees resulting in H&S prosecution, civil insurance liability, reputational risk, increased sickness absence and pressures on service delivery.</p> <p><u>Safe Driving at Work</u> "Health and Safety Law applies to on the road work activities as to all work related activities and the risks should be managed within a health and safety management system". Failure to implement and maintain a Safe Driving at Work (SDAW) Policy and Guidance to ensure that the Council meets current Health & Safety guidelines could result in the Council facing legal action if a serious road accident were to take place involving any driving operation undertaken by employees, Elected Members, volunteers, agency workers or other authorised parties using personal, Council or hired vehicles, as well as any driving Council fleet vehicles, in connection with Council business.</p>	<p>Revised Managing Attendance Policy. Workshops (by HR Team) for Managers undertaken prior to and after release to ensure all are familiar with the revisions. More robust scheme which will help to identify any employee health and wellbeing issues earlier to enable managers to put appropriate support mechanisms in place. Managers' guidance notes issued and HR Team available to support Managers as required. Managing attendance and Managing sickness Absence Policies in place. Training for managers in managing attendance and sickness absence in place</p> <p>Risk assessments carried out to identify significant workplace hazards and to establish suitable workplace controls e.g. safe systems of work.</p> <p>Health Surveillance is carried out on employees where they are exposed to specific hazards.</p> <p>Safety Management System supported by audit and inspection programme across the Council.</p> <p>Health and Safety Training needs are identified from project plans and Risk Assessment Findings.</p> <p>Ongoing HWL initiatives programme rolled out across all Services promoting workplace health and wellbeing.</p> <p>24/7 Employee Assistant Programme in place available to all employees including Physiotherapy and OH service in place.</p> <p><u>Lone Working</u> Information on Lone Working is part of the Service Level Induction process. Lone Working employees who require access to the lone worker system receive training on the use of this. Specific procedures are in place in services with a high level of lone working such as Health and Social Care and Revenues, including risk assessments, electronic diaries, mobile phones and signing in/out books.</p> <p>Where required Lone workers have access to lone worker devices (Reliance personal alarm) which have 24/7 GPS monitoring. This system allows staff to log their activities and an alarm to be raised if they don't report back at the appropriate time. It also allows staff to raise an immediate alarm.</p> <p>http://secure.relianceprotect.com/SentinelWeb</p> <p>Lone workers can be tracked via a dedicated website and are able to raise an alarm by activating their device and an 'officer down' alarm will also trigger intervention procedures if activated. This service is also being utilised elsewhere within the organisation.</p> <p>A Potentially Violent Clients Register has been set up which enables the sharing of information relating to potentially violent clients across customer facing</p>									<p>reduced from 10 to 8.</p> <p>Risks on Lone Working, Safe Driving at Work and Duty of Care amalgamated into one Duty of Care (H&S of employees) Risk in May 2014 at the request of CMT.</p>	

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		<p>teams allowing managers to identify and implement control measures to protect employees from harm.</p> <p>All Council Vehicles have a Vehicle Tracking system, including those used by lone staff working directly with clients.</p> <p><u>Safe Driving at Work</u></p> <p>A Safe Driving at Work Policy and a Guidance Manual in place to ensure that safe driving principles are embedded across the Council. This policy is now available online for all Managers to utilise and was reviewed and updated during 2019.</p> <p>Arrangements are in place to ensure the reporting and recording of all accidents and incidents arising from work related driving as well as identifying and implementing remedial actions following road traffic accidents.</p> <p>Council vehicles used in the course of Council activities are properly maintained and fit-for-purpose. All Council vehicles over 3.5t are maintained in accordance with VOSA publication "Guide to Maintaining Roadworthiness".</p> <p>The E Davis system used by East Lothian Council records and monitors grey fleet users driver details including insurance, RFL and driving licence. This ensures that the registered drivers have the correct credentials to drive on behalf on the Council.</p> <p><u>Fire Safety</u></p> <p>Fire Safety Risk Assessments are carried out on all our operational buildings where employees work and any remedial action prioritised and put in place.</p>										
ELC CR 10	<p>Failure to maintain a Highly Skilled Workforce</p> <p>The Council's salary and grading structure may not be competitive compared to other employers making it more difficult to recruit qualified staff to certain posts.</p> <p>The high number of specialist roles/skills within the Council means that service reviews, budget restrictions, long-term absence, cessation of contract etc. could compromise service delivery.</p> <p>Reduction in skilled, qualified and experienced workforce would result in an inability to provide good quality services, increased pressure on existing staff and increased likelihood of poor operational performance.</p> <p>The Council recognises that a large proportion of the workforce is aged over 55 years and many staff with significant knowledge and experience could leave the Council leaving the Council at risk in key areas.</p>	<p>The Council has an approved Workforce Plan 2018-2022 which addresses the issues relating to this risk.</p> <p>The Plan contains 38 actions which are being brought together into a detailed Implementation Plan seven workstreams which are being taken forward by lead officers.</p> <p>Actions, such as developing a Management and Leadership Programme, reviewing the Managing Attendance Policy, renewed focus on Healthy Working Lives and implementing the Early Learning and Childcare Workforce Plan are already underway.</p>	3	3	9	Keep the implementation of the Workforce Plan under review.	3	3	9	<p>Service Manager Corporate Policy & Improvement</p> <p>Service manager – People and Governance</p>	<p>Ongoing through to 2022</p>	<p>Risk reviewed May 2019 with no change to assessment of current scores.</p> <p>Risk reviewed and refreshed July 2018 with Current Risk Score reduced from 12 to 9.</p> <p>New risk created May 2016 and further revised July 2017 with no change to assessment of current scores.</p>

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		<p>Supporting the work of the Group relevant Service Areas will be tasked to implement relevant plans and projects identified in the Climate Change Strategy.</p> <p>An Energy Transformation Board has been formed, which has been tasked to look at generating income from installing low carbon technologies across the Council's estate.</p> <p>Area Partnerships serving the six cluster areas of East Lothian were established in 2014, providing the main opportunities for local communities to contribute to the East Lothian Plan and influence service planning and delivery in their area. Each Partnership is responsible for developing a strategic level Area Plan, linked to the priorities in the ELP, which will be delivered by partners and involve local communities. Sustainable travel has been identified as a key priority across all the Partnerships. Tackling climate change locally and improving sustainability have also been identified as key areas across the county.</p>				<ul style="list-style-type: none"> Green Networks Strategy Supplementary Planning Guidance <p>The Sustainable Energy and Climate Change Officer will work with relevant Service Areas, external partners and stakeholders to deliver the actions once approved.</p> <p>A new 'Climate Emergency' Risk has been identified and is being considered. At the meeting of East Lothian Council in August 2019, Councillors unanimously backed a Motion to declare a Climate Emergency and to take urgent action. In the wider context, this follows the publication of the Intergovernmental Panel on Climate Change (IPCC) report on global warming in Oct 2018, the Climate Change (Emissions Reduction Targets) (Scotland) Bill currently progressing through the Scottish Parliament, which will set a target of Net Zero greenhouse gas emissions by 2045, and the declaration of a 'Climate Emergency' by Scotland's First Minister in May 2019.</p>					December 2019	

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			L	I	L x I		L	I	L x I			
ELC CR 14	<p>Business Continuity</p> <p>Failure to ensure currency of Business Continuity Plans could lead to services not having a robust response to an incident affecting their service area or critical services may not be maintained, while critical services for the public could be affected and statutory requirements not completed.</p> <p>Non availability of:</p> <ul style="list-style-type: none"> premises, through fire, flood or other unexpected incident; key staff or significant numbers of front-line staff for any reason e.g. a Pandemic; systems (IT, telephony, power failure etc.); any form of transportation due to a fuel shortage. <p>The occurrence of any of these may have an adverse effect on the Council to function fully and to complete critical services and statutory requirements.</p>	<p>Business Continuity Framework Plan in place and regularly reviewed.</p> <p>Business Continuity Plans are maintained for all service areas, giving details of minimum levels of staff, alternate locations, exercise and review dates and version control.</p> <p>The Chief Executive has a statutory responsibility for the ELC BC process. The Heads of Service remain responsible for ensuring the BC process is completed within their area of work.</p> <p>Each service area now has a Single Point of Contact (SPoC) and deputy who are responsible for, their services BC Plan, exercising this plan and ensuring it is maintained. All BC Plans are managed through Continuity² Software.</p> <p>ELC staff have access to an e-learning package on Business Continuity.</p> <p>IT –specific disaster recovery arrangements in place for the critical systems – telephony, e-mail and social care. These have duplicate servers in place off site which can be brought into action if ELC lost its main data centre at JMH.</p> <p>An IT Disaster Recovery Plan is in place and will be regularly updated when any changes take place in the main data centres.</p> <p>For single server failure - there are over 100 systems now running on virtual servers which automatically fall over to another server if there are hardware issues.</p> <p>Controls that are in place to prevent and limit the effects of IT system unavailability including firewalls, anti-virus software, system/ data backup routines, and resilience in the form of a back-up generator for the main data centre at JMH.</p> <p>The Council will be advised by Scottish Government whenever there are Fuel Shortages on the horizon. Fuel supply is held at our depots and can be sourced externally from local fuel service stations and through shared services with other Local Authorities. Regular monitoring of current fuel stock and assessment of any weather predictions, political developments or industrial action etc. that may affect fuel availability.</p>	2	4	8	<p>Continue to progress BC with Education.</p> <p>Organise and plan a full real time exercise, involving a facility (possibly JMH) to test the ELC BC plans.</p> <p>Review the ELC BC e-learning package to ensure it is current and makes reference to the new Continuity² software.</p> <p>A review of the ELC BC framework and Policy to include reference to new software and subsequent processes.</p>	2	3	6	<p>Emergency Planning, Risk and Resilience Manager</p> <p>Emergency Planning, Risk and Resilience Officer</p>	<p>August 2019</p> <p>November 2019</p> <p>December 2019</p> <p>September 2019</p>	<p>Risk refreshed May 2019 with no change to assessment of current scores.</p>

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			L	I	L x I		L	I	L x I			
ELC CR 15	<p>Development Plan</p> <p>Failure to maintain up-to-date Strategic and Local Development Plans could result in an out of date planning strategy and policy context for planning decisions in East Lothian and lead to a shortfall in the effective 5 year housing land supply. This could prevent us from meeting the needs of our growing population and undermine our ability to defend local planning decisions due to planning by appeal. This could lead to unplanned development at odds with the Council's planning strategy for East Lothian, and consequent reputational damage. It could also contribute towards the Council not being able to achieve its Council Plan objectives – Growing our Economy and Growing our Communities – and related Single Outcome Agreement objectives.</p> <p>The Local Development Plan is also required to support and guide the provision of infrastructure required to meet the needs of our growing population and growing economy.</p>	<p>Details are set out in the Local Development Plan Scheme with timescales (to be reviewed by April 2019 then annually).</p> <p>LDP adopted September 2018 following approval by Scottish Ministers.</p> <p>ELC and SESplan Development Plan Schemes commit to a programme of Development Plan Scheme review (reviewed annually).</p> <p>SESplan Joint Committee, Project Board and Steering Group guide joint authority preparation of Strategic Development Plan for Edinburgh and SE Scotland; this is being replaced through the 2019 Planning Act by a power to pursue a Regional Spatial Strategy either as a single authority or jointly with others and this will be considered along with Regional Growth Framework from City Region Deal.</p> <p>Community Planning Partnership liaison and involvement through East Lothian Strategic Land Use Planning Group.</p> <p>Impact of SDP2 rejection is mitigated for ELC by having an up to date LDP and a greater than 5 years effective housing land supply.</p>	4	2	8	<p>SDP2 has been rejected by Scottish Ministers. SESplan Board and Joint Committee are currently appraising options in response to those, including taking legal advice and liaising with Scottish Government over timescales for transitional arrangements and secondary legislation/guidance. Minister has indicated any new LDPs should be considered in relation to SDP1, though as it is over five years old this may be open to challenge.</p> <p>2019 Housing Land Audit in draft pending consultation with Homes for Scotland with a 6 year housing land supply, backing up plan process.</p> <p>SG and SPG mostly approved/adopted, including Developer Contributions Framework. Remaining 2 items to go to October Council.</p> <p>Preliminary work for LDP2 being reviewed in light of SDP2 rejection. Initial Member, CMT and SMT engagement made. Public engagement being planned.</p>	1	2	2	Head of Development	<p>December 2019</p> <p>September 2019</p> <p>October 2019</p> <p>December 2019</p>	<p>Risk Refreshed by Service Manager August 2019 with Current and risk score increased from 2 to 8.</p> <p>Risk Refreshed by Service Manager – Planning April 2019 with Current and predictive risk scores reduced from 4 to 2.</p> <p>Risk Refreshed by Head of Development and Service Manager – Planning July 2018. Current risk score reduced from 8 to 4 and predictive risk from 8 to 4 due to implemented measures over past 12 months.</p>

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			L	I	L x I		L	I	L x I			
ELC CR 16	<p>Public Sector Reform</p> <p>Major elements of public sector reform have been or are being implemented including:</p> <ul style="list-style-type: none"> Integration of Health and Social Care and creation of a new H&SC Partnership; Implementation of the Community Empowerment (Scotland) Act 2015; New legislative duties in procurement, regulation, and children and young people; Reform of Education <p>Following the Scotland Act 2016 there is continuing uncertainty about the future governance of Scotland, the future structure and governance of local government and the public sector and continuing pressure on public finances.</p> <p>The Scottish Government is carrying out a Review of Local Governance which may result in further public sector reform with impact on local government.</p> <p>The cost of implementing changes arising from legislation is not always fully reflected in Scottish Government funding. In addition, the Scottish Government's commitment to protect and increase funding in priorities such as health and education run the risk of further eroding Scottish Government funding for other local government services.</p> <p>Existing public sector reforms and new reforms create uncertainty, additional workload, requirement to restructure services and new accountability, governance, scrutiny and partnership arrangements.</p>	<p>CMT and elected members work together to ensure that the Council is prepared for future public sector reform and differing scenarios for future governance, financial, operational and performance management arrangements are explored in order to minimise risk.</p> <p>Responses to the Scottish Government on consultations around public sector reform are prepared and submitted as required. Financial and resource scoping is carried out as required.</p> <p>The Integration Joint Board has been established along with appropriate governance and scrutiny arrangements.</p> <p>East Lothian Partnership has a new East Lothian Plan that will meet the requirements set out in the Community Empowerment (Scotland) Act 2015 to have a Local Outcome Improvement Plan. The structure of the Partnership has been revised to provide a more focused approach to implementation of the Plan and addressing issues arising from the public sector reform agenda.</p> <p>Effective working relations with key partners including Police Scotland, Scottish Fire and Rescue Service, NHS Lothian and the voluntary sector are being further developed through East Lothian Partnership and bi-lateral meetings and arrangements to prepare for public sector reform.</p> <p>Area Partnerships now established and will be supported to enhance local service delivery.</p> <p>The Council has put in place processes to deal with its new duties and responsibilities arising from the Community Empowerment (Scotland) Act 2015 such as responding to Participation Requests and Community Asset Transfer requests.</p> <p>Maintain regular communication with employees to manage any uncertainty in times of change.</p> <p>The Council's Transformation Programme will provide resilience to assist to respond to public sector reform.</p>	2	3	6	<p>Continue to monitor developments in the Public Sector Reform agenda and Scottish Government's legislative programme and develop responses to exploit potential benefits from, or mitigate potential negative impacts of, different future scenarios.</p> <p>Reports will be submitted to Council on the implications of the reform proposals and on the Council's preparations, as appropriate which are led by the Chief Executive and senior officers.</p>	2	3	6	Chief Executive	June 2019 Ongoing	<p>Risk reviewed May 2019 with no change to assessment of current scores.</p> <p>Risk reviewed by Board of Directors August 2018 and Assessment of Current and Residual Scores reduced from 12 and 9 to 6 and 6.</p> <p>Risk reviewed and refreshed July 2018 with Current Risk Score reduced from 16 to 12 and residual score from 12 to 9.</p> <p>Risk further reviewed and updated April and August 2017 with no change to assessment of current scores.</p> <p>Risk reviewed and refreshed May 2016 with Current Risk Score increased from 9 to 16.</p>

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			L	I	L x I		L	I	L x I			
ELC CR 17	<p>Corporate Events Management</p> <p>Effective preparation and co-ordination across a number of services, for all events held in East Lothian, is essential and failure to achieve this could result in a risk of adverse reputational impact for the Council on a national/international level as well as possible legal procedures at fatal accident enquiries accounting for our action or non-action.</p> <p>COSLA, Police Scotland and the Health & Safety Executive (HSE) recommend that Local Authorities form a core group, led by a senior officer, who will meet to discuss all events taking place within their area over a pre-determined period of time. This group includes category 1 responders and other appropriate organisations and decide if each individual event should be organised through a separate, specific Safety Advisory Group (SAG) or if the event can carry on without interference, other than appropriate safety advice.</p> <p>The following criteria would be considered by the SAG:</p> <ul style="list-style-type: none"> • Status of the principal e.g. HM Queen • Status of the event organiser e.g. Scottish Defence League • The size of the crowd or the number of spectators • The profile of the event e.g. North Berwick Highland games. • The requirement for a TTRO • At the request of one of the partner agencies • At the request of an event organiser <p>The council is involved in events as they tend to take place in Council parks or on our roads and the Council issues licenses and permits for events. The Council also has a statutory role in enforcement /inspection (building control, food hygiene etc.) and will help the organisers with traffic management.</p> <p>If the event organisers fail to have the correct licences or safety processes in place then it is the organisers, not the Council, who face the risk of possible criminal prosecution.</p> <p>East Lothian Council is itself responsible for organising several events on an annual basis. For each event an event organiser will be identified. Each event organiser will attend a SAG meeting if required to do so.</p>	<p>The Council now has a SAG policy and a Senior Officer – Events Co-ordination in place who is now the Single Point of Contact (SPOC) to overview events and event notifications, awareness and assessment to support overarching SAG meetings and Corporate Events Management Group meetings and the actions that flow from these.</p> <p>Events that require to be put through the SAG are managed through a risk profile process which grades each event as having a Red, Amber or Yellow risk. Events graded as Yellow are not required to attend a SAG meeting. Those graded Red and Amber are required to attend a SAG meeting.</p> <p>The Corporate Events Management Group will hold SAG process overview meetings (at least annually) to confirm which events require to attend SAG, based on the risk profile.</p> <p>The SAG process co-ordinates preparation for various events as per the risk profile, with representation from relevant Services areas and Multi-Agency Partners.</p> <p>Event guidance for organisers of events is published on the Council website.</p> <p>Where the SAG group is set up, for a specific event, it has no statutory power to stop it taking place; however, the SAG group can withdraw its support and co-operation which means that the event cannot proceed. In these circumstances the event organiser will be required to notify their insurance provider. Police Scotland will always provide the final advice on public safety.</p>	2	3	6	<p>Events information and documentation accessed through the ELC website will be reviewed by the ELC Event Safety & Resilience Officer. This staff member will also review all processes linked with the SAG process, through his line manager, to continually improve the overall system.</p>	2	3	6	<p>Depute Chief Executive - Partnerships & Community Services</p> <p>Head of Service (Development)</p> <p>Service Manager – Protective Services</p> <p>Team Manager, Economic Development</p>	September 2019	<p>Risk reviewed August 2019 with no changes to assessment of risk scores.</p> <p>New risk created May 2016 and updated April 2017 with current score reduced from 12 to 6 and residual score from 8 to 6 due to implemented measures, chiefly new Senior Officer – Events Co-ordination and SAG process in place.</p>

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			L	I	L x I		L	I	L x I			
ELC CR 18	<p>Equality</p> <p>Failure to meet duties and legislative requirements of the Single Equality Act 2010.</p> <p>The Single Equality Act 2010 and related guidance places a general duty on public authorities to be active in promoting equality, eliminating unlawful conduct and fostering good relations. It also places specific duties on public authorities to</p> <ul style="list-style-type: none"> • report on mainstreaming the equality duty; • publish equality outcomes and report progress; • assess and review policies and practices; • gather and use employee information; • publish gender pay gap information; • publish statements on equal pay; • consider award criteria and conditions in relation to public procurement; • publish in a manner that is accessible. <p>The Scottish Government has introduced a 'socio-economic duty'. This will require the Council to consider the impact of our work on those living in poverty. The Council will need to respond to the full requirements of this new duty and raise awareness of the requirements on the Council.</p> <p>There is a risk that the Council may not be able to meet its general or specific duties and in particular at a time when difficult budget decisions are having to be made that there will be cuts in services or increases in charges that have a disproportionate impact on people who may need those services most because of their equality background.</p> <p>The Council would be open to legal challenge of not meeting its duties and in particular of not carrying out adequate assessment of impact of policies and budget decisions.</p>	<p>ELC Equality Plan in place and available online. A revised Equality Plan was produced in 2017. This includes the commitments made by East Lothian Council as a Licensing Board and as an Education Authority. The plan outlines our commitments:</p> <ul style="list-style-type: none"> • Continue to lead a culture where respect, choice and understanding is fostered and diversity positively valued; • Maintain a working environment where unlawful discrimination, harassment, victimisation or bullying is not tolerated; • Continue to develop our understanding of the needs of different individuals and communities in a time of rapid change; • Continue to embed the equality agenda in all our work, and contribute to the early intervention and prevention approach adopted by the Council and its Partners; • Improve understanding of the impact of poverty and inequality on people's lives; and • Ensure that we plan and deliver services which meet modern standards of delivery and that are inclusive of a wide range of different needs from digital services to face to face interactions <p>The Integrated Impact Assessment Process is embedded and is now widely used. This includes consideration of poverty which should allow us to meet the requirements of the new socio economic duty. A programme of support, including training on the new IIA process is ongoing.</p> <p>The Health & Social Care IJBs (East & Midlothian and City of Edinburgh) along with NHS Lothian will use the 'checklist and IIA form' package, with East and Midlothian Councils using the IIA form only package.</p> <p>HR is annually capturing the employment monitoring information required under the Act, reporting it appropriately and carrying an Equal Pay Audit.</p> <p>ELearning equalities modules are available on Learn Pro and 'Get in on the Act' guides to the Council's legal responsibilities are available for all employees and Elected members. A new e learning package 'Understanding Poverty' has been added to support employees to understand about taking poverty into account when designing services and will be updated once details of the Socio Economic duty are known.</p> <p>The actions from the East Lothian Poverty Commission have been turned into a detailed Action Plan with clearly defined responsibilities and timelines.</p> <p>We will be working with Police Scotland to refresh the East Lothian Hate Crime Action plan.</p>	2	3	6				Depute Chief Executive – Partnerships and Community Services	<p>Risk further reviewed and updated May 2019 with no change to assessment of current scores.</p> <p>Risk register updated August 2017 to include the new Equality Plan and to flag the introduction of the Socio Economic duty. No change to assessment of current scores.</p> <p>Risk further reviewed and updated April 2017 with no change to assessment of current scores.</p> <p>Risk reviewed and refreshed May 2016 with both current and predictive scores reduced from 8 to 6 due to implementation of additional measures.</p>		

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ELC CR 19	<p>Standards in Public Life</p> <p>Failure of corporate governance or to meet standards in public life.</p> <p>Failure of the Council's corporate governance or of officials or members to meet standards in public life could result in reputational damage.</p>	<p>The main internal controls are the Council's Standing Orders, Scheme of Administration, Scheme of Delegation and Financial Regulations.</p> <p>Standing Orders (the Schemes of Administration and Scheme of Delegation) were extensively revised and approved by Council in August 2013 and further revised on a regular basis since.</p> <p>Councillors, officials and employees conduct is governed by Codes of Conduct. The Standards Commission is responsible for encouraging high standards of behavior by Councillors and will adjudicate where there are allegations that Councillors have breached the Code of Conduct.</p> <p>The Council's Monitoring Officer, Depute Monitoring Officers, legal advisers and the Team Manager, Democratic and Licensing provide advice as required. Internal Audit conducted a review of the process for Councillors' Registers of Interests and Declarations of Gifts and Hospitality and a report was submitted to the Audit & Governance committee in March 2015 for which the recommendations were implemented.</p> <p>A programme of briefings for Councillors established, as well as Ad Hoc briefings, with events currently scheduled every month during the committee session.</p> <p>ELC is developing links with the Local Area Network of audit and inspection agencies and its Auditors.</p> <p>A comprehensive induction programme for Councillors was approved by Council in February 2017 and commenced immediately following the local government election in May 2017. Training continues to take place as required to ensure understanding of the importance of standards in public life including a specific session on the Councillors' Code of Conduct, and it was also referred to in several other sessions. Councillors are provided with a copy of the Code and the accompanying guidance and are provided with copies of any updates as those are issued.</p> <p>Councillors have an ongoing opportunity to participate in a CPD programme, which is currently being developed in conjunction with the Council's Organisational Development Team. This will be based on the offering available from the Improvement Service and the IS have offered to input into the final product. Councillors have an ongoing opportunity to attend Master classes run by the Improvement Service.</p> <p>A six monthly reminder is issued to Councillors regarding updating their Register of Interests and Declarations of Gifts and Hospitality.</p> <p>A 100-day review took place with our Elected Members between August and November 2017. This was carried out by way of face-to-face meetings with Elected Members and covered the Elected Member Induction Programme, the Councillors' Code of Conduct, PA support, office accommodation, Access to Council officers, committee papers, surgeries, and further training and development.</p>	3	2	6	<p>Induction training has been arranged for the new Councillor for the Haddington ward who is to be elected as a result of a by-election on 9 May 2019.</p> <p>A survey of all Councillors is to be carried out in May 2019 establishing their views as to the training and development provided and to identify future needs.</p> <p>Work is to be undertaken on developing a code of conduct for all employees on identifying, registering and handing conflicts of interest.</p>	3	2	6	Service manager – People and Governance and Service Manager – Corporate Policy	<p>June 2019</p> <p>June 2019</p> <p>December 2019</p>	<p>Risk reviewed May 2019 with no change to assessment of risk scores.</p> <p>Risk further reviewed and updated July 2017 with both current and predictive risk scores increased to 6 due to the number of newly elected Councillors.</p>

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			L	I	L x I		L	I	L x I			

Original date produced (Version 1)	13 April 2011		
File Name	East Lothian Council Corporate Risk Register		
Original Author(s)	Scott Kennedy, Risk Officer		
Current Revision Author(s)	Scott Kennedy, Risk Officer		
Version	Date	Author(s)	Notes on Revisions
1	13/04/2011	S Kennedy	Original Version
2	05/12/2011	S Kennedy	2 nd version made available to BoD for review
3	23/08/2012	S Kennedy	Draft version updated
4	15/11/2012	S Kennedy	Updated following BoD meeting and Strategy update
5	07/12/2012	S Kennedy	Updates received from services following BoD recommendations
6	18/12/2012	S Kennedy	Updated with additional risks.
7	04/01/2013	S Kennedy	Updated following consideration by CMT
8	09/05/2013	S Kennedy	EP & BC Risks updated
9	31/07/2013	S Kennedy	Data Protection Risk Added
10	01/11/2013	S Kennedy	Welfare Reform Risk updated (no change to score)
11	04/03/2014	S Kennedy	New Corporate Risks added on Safe Driving at Work, VERS, Fuel Shortages and Lone Working
12	March/April 2014	S Kennedy	All risks reviewed and amended where required.
13	11/04/2014	S Kennedy	New Corporate Risk on Integration of Health & Social Care and Adult Wellbeing added.
14	25/04/2014	S Kennedy	Risks amended following consultation with CMT.
15	01/05/2014	P Vestri	Amendments following review of latest draft by Chief Executive and Depute Chief Executives.
16	27/05/2014	S Kennedy	Amendments following consultation with CMT/Risk Owners. Development Plan and Public Protection risks added.
17	23/12/2014	S Kennedy	Climate Change Risk refreshed as well as adding column for date Planned Risk Measures will be completed by.
18	February-April 2015	S Kennedy	All Risks Refreshed by Owners and reviewed by CMT
19	December 2015	S Kennedy	All Risks Refreshed by Owners and reviewed by CMT
20	January 2016	S Kennedy	Carbon Management, Flooding and Equality Risks refreshed.
21	April – May 2016	S Kennedy	CMT met to amend. Further update of all risks including Duty of Care & Public Protection Risks combined.
22	March – May 2017	S Kennedy	New risk created on Limitation and all other risks reviewed.
23	August 2017	S Kennedy	All risks reviewed and updated where necessary by Risk Owners and Heads of Service.
24	June-August 2018	S Kennedy	All risks reviewed and updated by Risk Owners and Heads of Service. Risk added from Education Risk Register on Expansion of Early Learning and Childcare to 1140 hours.
25	29 August 2018	S Kennedy	Register fully reviewed and updated by Board of Directors
26	29 November 2018	S Kennedy	Expansion of Early Learning and Childcare to 1140 hours reviewed and updated.
27	12 December 2018	S Kennedy	Welfare Reform Risk Update by Risk Owners.
28	April-May 2019	S Kennedy	All risks updated by Risk Owners.
29	May 2019	S Kennedy	All risks reviewed by CMT and Corporate Risk Group and risk on Stability of the Council Plan removed.
30	August 2019	S Kennedy	All risks reviewed and refreshed by Risk Owners.

Risk Score	Overall Rating
20-25	Very High
10-19	High
5-9	Medium
1-4	Low

REPORT TO: Cabinet

MEETING DATE: 10 September 2019

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Update on East Lothian Rapid Rehousing Transition Plan 2019/20–2023/24 and Changes to Homelessness Legislation

3

1 PURPOSE

- 1.1 To advise Cabinet of the updated position on the East Lothian Rapid Rehousing Transition Plan (RRTP) 2019/20–2023/24, including the Scottish Government assessment process; resource allocation for 2019/20; corresponding implications for rapid rehousing ambitions and forthcoming changes to homelessness legislation.

2 RECOMMENDATIONS

- 2.1 Cabinet is recommended to note and consider the updated position and concern of officers in respect of the East Lothian RRTP 2019/20-2023/24, including the Scottish Government assessment and evaluation process; resource allocation for 2019/20 and beyond and implications for realising rapid rehousing ambitions, within a wider context of forthcoming legislative change.
- 2.2 Cabinet is recommended to approve Option C, at paragraph 3.15 in respect of the intentionality provisions as detailed in Appendix 2 i.e. to continue operating the intentionality test to all applicants as per the existing policy.

3 BACKGROUND

Rapid Rehousing

- 3.1 The Homelessness and Rough Sleeping Action Group (HARSAG) was established by the Scottish Government in 2017 to consider solutions to end homelessness and rough sleeping. Recommendations were published in June 2018, with the majority of recommendations accepted

by Scottish Ministers across the spectrum of Parliament and welcomed in principle by ALACHO and COSLA. The swift transition to a 'Rapid Rehousing' approach comprises the cornerstone of recommendations, with a corresponding requirement that local authorities prepare RRTP's by 31 December 2018.

The key aims of rapid rehousing are to end rough sleeping; transform the use of temporary accommodation and contribute to ending homelessness across Scotland. Where homelessness cannot be prevented, rapid rehousing refers to:

- A settled, mainstream housing outcome as quickly as possible;
- Time spent in any form of temporary accommodation reduced to a minimum, with the fewer transitions the better; and
- When temporary accommodation is needed, the optimum type is mainstream, furnished and within a community.

3.2 The draft East Lothian Rapid Rehousing Transition Plan (RRTP) 2019/20 to 2023/24 approved by Cabinet in January 2019, acknowledged a range of significant challenges pertaining to homelessness including continuing dependence on B&B for temporary accommodation, within a context of wider demand pressures on housing stock, particularly social rented affordable homes. Notwithstanding this, the draft RRTP set out a bid for £7.221m to support transformation to a rapid rehousing approach, aiming to:

- Create 860 new tenancies (over and above 2017/18 levels)
- Create an additional 102 units of new affordable housing supply
- Re-designate 150 temporary units as permanent accommodation
- Reduce temporary furnished flats from 332 to 182
- Reduce length of stay in B&B to a maximum of 7 days for all households
- Reduce length of stay to a maximum of 9 months in temporary accommodation
- Create 50 Housing First placements

The draft RRTP set out the importance of managing expectations against the delivery of the HARSAG recommendations as accepted by Scottish Ministers and aimed to make a meaningful, although realistic impact by 2023/24, with a recognition that further ongoing action would be required to work towards more ambitious aspirations to end homelessness across the county in the longer term.

3.3 Cabinet was advised of the new strategic policy objective 'rapid rehousing' on 22 January 2019, with the draft East Lothian RRTP 2019/20–2023/24 presented for consideration and approval. It was agreed that following completion of the Scottish Government assessment and evaluation and corresponding resource allocation, amendments

would be made to the draft Plan and the final RRTP presented to Cabinet and the Integrated Joint Board (IJB) for subsequent formal approval.

- 3.4 The Scottish Government provided positive written feedback on the draft East Lothian RRTP 2019/20-2023/24 on 27 February, with a discussion session held 20 May, acknowledging limited changes required to the Plan. A summary of feedback and subsequent changes to the draft RRTP is set out at 7.2 for information. However, notwithstanding positive feedback received, the initial funding identified as required from the 32 RRTPs submitted nationally was substantially above available funding at circa £126m compared with an agreed £19m for distribution across the 32 local authorities (£15m for non-city authorities). In response, the Scottish Government set out a requirement for local authorities to remove capital costs from the RRTP. This was viewed as enabling an assessment of the 'true cost of rapid rehousing', once capital costs, business as usual costs and any funding sourced following submission of the initial RRTP were removed, the Scottish Government sought to capture how local authorities were rewiring their system, how savings were being reinvested and whether there were contributions from partners across public services to help deliver RRTPs. Accordingly, all local authorities were asked to prepare a second iteration of the RRTP. A revised, second version of the RRTP was submitted to the Scottish Government in June 2019, with a total bid of £2.414m (revenue funding only).
- 3.5 Following further review of re-submitted RRTPs by the Scottish Government, and in recognition that a successful transformational move to rapid rehousing will require sufficient resources, an increase in funding to £24m was agreed by Scottish Government.. The distribution of initial funding for 2019/20 has been agreed but has not taken cognisance of costed RRTPs, rather it has been calculated on the basis of a three year average of homelessness assessments from published national homelessness statistics (HL1). This reflects the methodology used to allocate the initial £40k Ending Homelessness Together Funding for preparation of the draft East Lothian RRTP 2019/20 – 2023/24. Written confirmation was provided to local authorities of their allocation for RRTP implementation for 2019/20 in July 2019, with East Lothian Council receiving £160k.
- 3.6 Whilst funding available for 2020/21 and 2021/22 totalling £16m remains to be allocated, the allocation of £160k in 2019/20 points to circa an 80% under funding of the revised Plan (on the presumption of similar resource allocation in years 2 and 3). The decision to allocate revenue grant funding over a 3 year period whilst RRTPs have been developed for a 5 year period will add further complication and require careful management. There is no understanding at present that further funding will be made available in 2022/23 and 2023/24. It is also clear that meeting the initial ambitions of the draft East Lothian RRTP 2019/20 – 2023/24 will not be possible without adequate funding.

- 3.7 A third iteration of the RRTP requires to be prepared, to take cognisance of the financial support that has been made available to support rapid rehousing. The Scottish Government assessment process has however become protracted and delayed and preparation of a third iteration of the RRTP is challenging in that context. Not all local authorities have submitted second iterations for assessment and the Scottish Government recently commenced additional work internally, to include further discussions with local authorities to assist them individually to a position of what the local authority transitional total for rapid rehousing is. Timescales for completion of this work are uncertain.
- 3.8 The draft East Lothian RRTP 2019/20 – 2023/24 articulated works required to achieve system transformation, as requested by the Scottish Government, estimating costs of £7.221m. The second iteration of the Plan removed all references to capital funding requirements, which given the predominantly structural nature of homelessness in East Lothian, comprised a critical element of transformational change. Officers will now prepare a third iteration of the RPTP which will be presented to Cabinet in November 2019. This will set out revised ambitions for limited transformational change in 2019/20 in accordance with financial support of £160k and a likely reduction in funding from the initial funding request for 2020/21 and 2021/22.

Changes to Homelessness Legislation

- 3.9 Preparation of a third iteration of the East Lothian RRTP 2029/20 – 2023/24 is further complicated by a changing legislative framework. Following the Scottish Government Consultation on Local Connection and Intentionality Provisions in Homelessness Legislation, the Scottish Government has stated an intention to commence the Local Connection and Intentionality provisions in November 2019, after further discussions with COSLA, local authorities and others around issues raised in the Consultation. An analysis of Consultation responses is available at <https://www.gov.scot/publications/consultation-local-connection-intentionality-provisions-homelessness-legislation-analysis-responses/>
- 3.10 Local Connection - At present, Local Connection is defined in the Housing (Scotland) Act 1987 as a connection which a person has with an area because:
- they are or were in the past normally resident in it, and this residence was of their own choice; or
 - they are employed in it; or
 - they have family associations; or
 - they have special circumstances.

Local authorities currently have the power under the Act to refer homeless households who do not have a Local Connection with them to another local authority where they do have such a connection. The Scottish Government Consultation invited views on plans to commence

the provision in the Homelessness etc. (Scotland) Act 2003 which allows Scottish Ministers to modify referrals relating to Local Connection and the intention to implement the proposal from HARSAG to suspend referrals in Scotland.

Intentionality - The Housing (Scotland) Act 1987 currently places a duty on local authorities to investigate whether a person applying to them for accommodation became homeless or threatened with homelessness intentionally. The Scottish Government Consultation asked for views on the intention to commence the provision in the Homelessness etc. (Scotland) Act 2003 to give local authorities discretion, rather than the current duty, to investigate Intentionality.

- 3.11 Following the Consultation analysis, the Scottish Government has stated an intention to commence the Local Connection and Intentionality provisions in November 2019, after further discussions with COSLA, local authorities and others around issues raised in the Consultation. The provisions in relation to Intentionality will come into force immediately. This will change the Intentionality provisions under Section 28 of the 1987 Act and give local authorities discretion to investigate and assess whether a homeless application is intentional, with the test changing from a duty to a power. As stated in the Consultation paper, there are currently no provisions in the legislation for the definition of 'Intentionality' to be changed. The Scottish Government has stated that the views expressed in the Consultation on narrowing the definition of Intentionality to focus on instances of applicants 'deliberately manipulating' the homelessness system, will be carefully considered as part of an appraisal of options for taking this work forward.
- 3.12 Ministers have also announced plans to remove the requirement for people facing homelessness to demonstrate a Local Connection to a council area before they can receive support and assistance from that local authority. A process will begin for the Scottish Government to consult further on Local Connection and issue a Ministerial Statement within twelve months of commencement on how these new powers are to be used. Subject to the outcome, this will be followed by a further Scottish Statutory Instrument laid in the Scottish Parliament to implement the changes. The detail of these changes will be developed in collaboration with councils and others.
- 3.13 The Scottish Government has undertaken to monitor the impact of the changes on individuals experiencing homelessness, local authorities and third sector providers using evidence from current data collections and will publish this data regularly. Plans will also be set out for further engagement and possible research to help more fully understand the impact of the changes.
- 3.14 During 2017/18, the Council received 42 homeless applications from households with no Local Connection to East Lothian, rising to 44 such applications in 2018/19. During 2017/18, 82 applicants were assessed as

intentionally homeless, reducing to 55 in 2018/19. It is considered inevitable that changes to Local Connection and Intentionality would directly result in a corresponding increase in the level of acceptances and associated requirements for temporary and permanent accommodation, particularly given close proximity to Edinburgh. The Council's response to the Consultation was clear that notwithstanding the benefits of commencing the current provisions on Local Connection and Intentionality, until the East Lothian RRTP 2019-24 is fully funded and service transformation implemented, the Council would not in a position to contemplate this.

- 3.15 Reflecting concerns set out above, a detailed options appraisal has been completed in respect of Intentionality provisions attached in Appendix 2. On this basis it is considered that the Intentionality test should continue to be applied to all homeless applicants (Option C), with annual review of this policy as part of wider monitoring of the East Lothian Rapid Rehousing Transition Plan (RRTP) 2019-24.
- 3.16 Scottish Ministers have used powers under the Homelessness etc. (Scotland) Act 2003 to limit the use of unsuitable accommodation for families and children to a maximum of 7 days via the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2017. HARSAG have recommended this restriction be extended to all people experiencing homelessness and recently consulted on proposed options. East Lothian Council's consultation response is lodged in the Members Library. https://www.eastlothian.gov.uk/meetings/meeting/16531/members_library_service
- 3.17 Extending the existing restriction to all homeless people will materially impact upon the ability of East Lothian Council to comply and is likely to lead to a significant number of breaches to the order on a regular basis. Any heightened focus on avoiding breaches of the order, if extended, would detract from a focus on rapid rehousing and significantly compromise the ability to achieve RRTP outcomes. Extending the restriction would require increased use of temporary accommodation and remove further permanent housing stock from the system, compounding the problem and is at odds with a rapid rehousing approach.
- 3.18 Council officers have sought an urgent meeting with Civil Servants to raise concerns beyond consultation responses submitted and engagement around the development and resourcing of a RRTP.

4 POLICY IMPLICATIONS

- 4.1 A third iteration of the East Lothian RRTP 2019/20 – 2023/24 will be prepared, following further Scottish Government assessment and evaluation, taking cognisance of the limited financial support available to support rapid rehousing. The revised RRTP will be presented to Cabinet and the Integrated Joint Board (IJB) in November 2019 for approval.

- 4.2 A detailed paper will be presented to Cabinet in due course in respect of Local Connection and updating on further proposed legislative change over the period of the Plan to 2024.
- 4.3 The East Lothian Council Homelessness Operations Policy is currently under review and revision. The policy will be revised as appropriate in accordance with legislative change commencing November 2019 and the updated Scottish Government Code of Guidance.
- 4.4 Further Consultation is anticipated in relation to the Ministerial Statement on Local Connection and a Council response will be submitted as appropriate.
- 4.5 Existing data collection will be amended as part of a wider revised homelessness performance management framework, to ensure the impact of the changes can be measured. This will inform review and monitoring of the East Lothian RRTP 2019-24

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report has been through the Integrated Impact Assessment process and where negative impacts have been identified, mitigating actions will be put in place.
- 5.2 The draft revised East Lothian Council Homeless Operations Policy will be subject to the Integrated Impact Assessment process, including changes to Local Connection and Intentionality provisions.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – The initial draft RRTP set out a requirement for £7.221m to achieve rapid rehousing by 31 March 2024 (£5.225m capital funding and £1.996m revenue funding). The second iteration of the RRTP set out a revised bid for £2.414m revenue funding, comprising year 1: £323k; year 2: £568k; year 3: £579k; year 4: £534k and year 5: £410k. The subsequent funding allocation of £160k for 2019/20 is a significant departure from costs identified as being required in both the draft and second iteration of the RRTP, requiring the RRTP to be amended accordingly for formal approval.

The agreed formula for the distribution of the remaining £16m for RRTP implementation will be subject to further consideration of potential options by Scottish Government and COSLA. At present, funding is available for 2019/20, 2020/21 and 2021/22. This poses difficulties in enabling local authorities to plan further in the future and ensure that RRTPs achieve their ambitions.

Actions set out in the draft and second iteration of the RRTP were predicated on the requirement of £7.221m (and subsequent £2.414m) being met in full, within the wider context of a SHIP resource allocation of £57.871m and separately a continuation of £435k homelessness grant

funding in 2019/20. Council Resources colleagues have confirmed that the homelessness grant funding has now been incorporated into the base budget.

There is likely to be increased budgetary pressure in future following implementation of changes to Local Connection provisions, with increased spend on B&B and temporary accommodation and associated administrative and support costs arising unless RRTP funding is fully provided for and service transformation that arises not only addresses existing pressures but creates capacity to accommodate further demand.

6.2 Personnel – None

6.3 Other – None

7 BACKGROUND PAPERS

7.1 Cabinet Report, 22 January 2019 - Draft East Lothian Rapid Rehousing Transition Plan 2019/20–2023/24

<https://www.eastlothian.gov.uk/meetings/meeting/16253/cabinet>

7.2 **Appendix 1:** Scottish Government feedback on the Draft East Lothian RRTP 2019/20 – 2023/24 and summary of changes

7.3 Members Library Report, June 2019 (90/19) - Scottish Government Consultation on Local Connection and Intentionality Provisions in Homelessness Legislation

https://www.eastlothian.gov.uk/meetings/meeting/16428/members_library_service

7.4 **Appendix 2:** Options Appraisal – Intentionality Provisions

7.5 Members Library Report, August 2019 – Scottish Government Consultation on the Unsuitable Accommodation Order and Improving Temporary Accommodation Standards [MLS Ref 115/19]

https://www.eastlothian.gov.uk/meetings/meeting/16531/members_library_service

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Appendix 1: Scottish Government Feedback on the Draft East Lothian RRTP 2019/20 – 2023/24 and Summary of Changes			
	General Feedback	Areas for Development	Changes to the Draft RRTP
Background		The RRTP is missing some headline figures	Additional headline figures have been included at Appendix 3 of the RRTP
Prevention	The plan is good on detail surrounding current prevention activity and proposed future strategies/measures including for vulnerable groups i.e. domestic abuse, prison leavers, care experienced. Also references a number of frontline service providers	N/A	N/A
Temporary Accommodation	Provides a good overview of current temporary accommodation and analysis of future demand and pressures. Projections for reducing use and time spent in TA include implementing a rolling programme to re-designate temporary accommodation as permanent tenancies, which aims to ‘flip’ 30 per year. There are a number of other proposed policies included that may impact such as discharge duties into the private rented sector (125 pa), review empty homes initiatives & increase lets to homeless households (25 tenancies) and targeted purchasing of Open Market Acquisitions.	Need more evidence about how the time in TA will reduce and how ELC will reduce time in B&B	<p>Rehousing targets are set out at Section 4.3. Modelling by Arneil Johnston (Graph 4.2) considers the potential impact upon the shortfall of reducing length of stay in TA to a maximum of 9 months, with shortfalls of accommodation still evident in the west of the county. It is anticipated that this could be mitigated to an extent by flatshare.</p> <p>The RRTP states ‘In accordance with proposed legislative change, the Council will aim to achieve a position whereby all homeless households will spend a maximum time of 7 days in B&B’ at Section 4.3. While the Council aspires to this position as per proposed legislative change, it is unclear how this can be achieved in practice, particularly with the removal of capital costs from the RRTP. The Council would welcome further discussion with the</p>

			Scottish Government as to how this can be achieved.
Settled / Supported Accommodation	Provides good context on current position with detailed analysis of pressures and demand. Links RRTP well with other housing strategies including LHS, SHIP. Demonstrates consideration and proposes measures to maximise access to all tenures, including PRS.	More information about work with the HSCP to take forward HF	Further information added in respect of Housing First at Section 3.5.
Partnership	There is good emphasis on partnership working throughout the RRTP.	N/A	N/A
Cost Analysis	<p>To enable cost analysis will require further breakdown of costs for implementing RR and current costs of homelessness and temporary accommodation.</p> <p>The plan includes areas that would not be funded through Ending Homelessness Together Fund, e.g. capital costs. With regards the prison project – isn't this being funded through the East Hub?</p> <p>Welfare reform mitigation – is this not currently being funded by ELC?</p> <p>Care experienced young people – isn't this included in the application in to Life Changes trust?</p> <p>Starter Packs – is this cost not already being met through the churches themselves?</p>	<p>Would benefit from including current cost of homelessness and temporary accommodation as well as further breaking down projected costs for implementing RR.</p> <p>Plan includes areas that SG will not fund through the EHT – i.e. no capital costs</p>	<p>Capital costs have been removed from the RRTP and corresponding sections of the document have been revised accordingly i.e. The East Lothian Position - text revised; Chapter 5 - text revised; Table 6.1 - figures revised (please note that actions have also been ranked in order of priority as per discussion with Marion Gibbs 20 May 2019) and Appendix One: Action Plan – actions and figures revised.</p> <p>A breakdown of costs for implementing the RRTP is provided at Table 6.1 and this is also reflected in the Action Plan (Appendix One). Current costs of temporary accommodation are set out in Appendix Three.</p>

	Would be interested in seeing the reasoning for the costing of HF at £4,000 per tenancy – how does this compare with the modelling around the Pathfinder project at £7.5k.?		Areas that are considered inappropriate for funding have been removed from the draft RRTP i.e. capital costs ¹ .
Equality Impact Assessment	Comprehensive Equality Impact Assessment	N/A	N/A

¹ Re the prison project, it is still to be determined whether this will be funded through the East Hub; funding request for Welfare Reform mitigation has been removed; The application to the Life Changes Trust for a pilot re care experienced young people was successful for a three year period. Additional funding requested via the RRTP is for a further two year period to enable the project to become self-financing and financially sustainable in the longer term. Costs for starter packs are not being met in full; the costing of HF tenancies has been increased to £7.5k per tenancy and an additional request has been submitted for a Prevention Officer to enable capacity in the Team to develop and support new ways of working re people experiencing domestic violence, young people and people leaving prison.

Appendix 2: Options Appraisal: Intentionality Provisions

	Option A - Remove the intentionality test for all applicants	Option B - Apply the intentionality test in specific circumstances, with discretion	Option C - Continue to operate as per existing policy and apply the intentionality test to all applicants
Accommodation requirements	There is currently a lack of suitable accommodation to meet both temporary and permanent housing needs. Removal of the test for all applicants will result in additional pressure on the housing system, leading to increasingly lengthy waiting times.	There is currently a lack of suitable accommodation to meet both temporary and permanent housing needs. Removal of the test for all applicants will result in some additional pressure on the housing system, leading to increasingly lengthy waiting times.	No change
Choice	<p>This would in theory offer choice to more people experiencing homelessness, remove unnecessary barriers to finding permanent accommodation and ensure that homelessness services can be delivered at the point of need. There is an increased chance of receiving assistance with intensive support for housing.</p> <p>In practice however, with limited resources across the county and a shortage of affordable housing, additional demand is likely to result in increased waiting lists for housing and related services and in some respects provide a further barrier to both homeless people and local communities generally re accessing permanent housing.</p>	<p>This would in theory offer choice to an increased proportion of people experiencing homelessness, remove unnecessary barriers to finding permanent accommodation for some people and ensure that homelessness services can be delivered at the point of need to some people. There is an increased chance of receiving assistance with intensive support for housing.</p> <p>In practice however, with limited resources across the county and a shortage of affordable housing, additional demand is likely to result in increased waiting lists for housing and related services and in some respects provide a</p>	No change

	It is likely that increasing numbers of people would potentially bypass the housing allocation route (by making a homeless application) to obtain access to housing quickly.	<p>further barrier to both homeless people and local communities generally re accessing permanent housing. This is also likely to result in challenge in relation to who the intentionality test applies to.</p> <p>It is likely that increasing numbers of people would potentially bypass the housing allocation route (by making a homeless application) to obtain access to housing quickly.</p>	
Citizenship	There is the potential that some individuals might no longer see the need to take personal responsibility to retain their accommodation i.e. not paying rent and a lack of consequences for people experiencing homelessness failing to accept their responsibilities.	There is the potential that some individuals might no longer see the need to take personal responsibility to retain their accommodation i.e. not paying rent and the policy response would be inconsistent.	No change.
Equalities	Being labelled as 'intentionally homeless' can be considered unfair and stigmatising and not reflective of the true picture of individuals' circumstances. Removal of the duty would benefit vulnerable people in particular so that they can get the help and support they need, in theory. However in practice, with limited resources and a shortage of affordable housing, it is likely that removal of the test would result in longer waiting times for everyone. This would have a negative impact upon others in housing need and local communities generally.	<p>Being labelled as 'intentionally homeless' can be considered unfair and stigmatising and not reflective of the true picture of individuals' circumstances. Removal of the duty in favour of discretion would benefit vulnerable people in particular so that they can get the help and support they need.</p> <p>However alongside more flexibility in decision making, there is potential for a lack of consistency of approach, both at local authority level and between local</p>	No change. The policy could be considered stigmatising and unfair, although it is likely the latter will depend to an extent on the approach taken by neighbouring authorities. It is likely that most local authorities within the highly pressured South East Scotland housing market will continue to apply the

		<p>authorities. This is likely to leave the Council open to challenge in respect of how discretion is applied and lead to issues around discrimination, equalities and human rights.</p>	<p>test to everyone, which would provide an equitable and consistent approach across South East Scotland.</p> <p>Current provisions already provide for flexibility in terms of decision-making i.e. personal circumstances of individuals being taken into account, under the Children’s Act or in cases of domestic abuse</p>
<p>Homeless presentations</p>	<p>This is likely to increase the level of homeless presentations, particularly from households who seek to deliberately manipulate the system.</p> <p>Should neighbouring authorities choose an alternative option to removal of the test, this is likely to result in further increases in presentations, particularly when combined with forthcoming changes to local connection. An inconsistent approach is a likely scenario, with applicants potentially approaching multiple local authorities in the hope of getting a more favourable decision from one of them.</p>	<p>This is likely to increase the level of homeless presentations for those client groups for whom the test no longer applies.</p> <p>Where discretion is applied, neighbouring authorities are likely to choose different ways of implementing the test, which is likely to result in further increases in presentations, particularly when combined with forthcoming changes to local connection. An inconsistent approach is a likely scenario, with applicants potentially approaching multiple local authorities in the hope of</p>	<p>This is likely to maintain existing presentations at current levels, having no impact.</p>

		getting a more favourable decision from one of them.	
Homeless assessments / acceptances	This is likely to increase the level of homeless assessments resulting in acceptance of duty to accommodate. In 2017/18, 80 households were assessed as intentionally homeless households, reducing to 55 in 2018/19. Even at the lower end, this will put additional pressure on an already stretched housing system. Should neighbouring authorities choose an alternative option to removal of the test, this is likely to result in further increases in presentations, particularly when combined with forthcoming changes to local connection.	This is likely to increase the level of homeless assessments resulting in acceptance of duty to accommodate.	This is likely to maintain existing assessments and corresponding acceptance of duty to accommodate at current levels, having no impact.
Legislation	Additional demand from acceptance of additional homeless households is considered high risk in relation to potential breaches of the Unsuitable Accommodation Order. This currently poses a challenge in terms of avoiding breaches on a weekly basis. Should the Order be extended to all homeless households in accordance with the recent Scottish Government consultation, breaches of the Order on a weekly basis is likely, with additional demand from a duty to accommodate intentionally homeless households creating more pressure.	Additional demand from acceptance of some additional homeless households is considered high risk in relation to potential breaches of the Unsuitable Accommodation Order. This currently poses a challenge in terms of avoiding breaches on a weekly basis. Should the Order be extended to all homeless households in accordance with the recent Scottish Government consultation, breaches of the Order on a weekly basis is likely, with additional demand from a duty to accommodate some intentionally homeless households creating more pressure.	No change

<p>Rapid Rehousing agenda</p>	<p>A draft East Lothian RRTP 2019/20 to 2023/24 was prepared and submitted to the Scottish Government for assessment and evaluation, setting out a plan to achieve rapid rehousing in East Lothian by 2024. The first iteration of the RRTP set out a bid for £7.221m. Following the announcement that capital costs required to be removed and other identified costs streamlined where possible, a second iteration of the RRTP set out a bid for £2.141m. The Scottish Government allocation for year one (of a three year allocation as opposed to five years) is £160k, making delivery of the Plan likely to be unachievable by 2024.</p> <p>Removal of the intentionality test is high risk in relation to the ability of the Council to achieve rapid rehousing, particularly within the context of limited resources. The East Lothian RRTP requires time to embed before any changes are introduced. Until the RRTP is fully resourced and implemented, this option cannot be considered.</p>	<p>A draft East Lothian RRTP 2019/20 to 2023/24 was prepared and submitted to the Scottish Government for assessment and evaluation, setting out a plan to achieve rapid rehousing in East Lothian by 2024. The first iteration of the RRTP set out a bid for £7.221m. Following the announcement that capital costs required to be removed and other identified costs streamlined where possible, a second iteration of the RRTP set out a bid for £2.141m. The Scottish Government allocation for year one (of a three year allocation as opposed to five years) is £160k, making delivery of the Plan likely to be unachievable by 2024.</p> <p>Removal of the intentionality test for some groups is high risk in relation to the ability of the Council to achieve rapid rehousing, particularly within the context of limited resources. The East Lothian RRTP requires time to embed before any changes are introduced. Until the RRTP is fully resourced and implemented, this option cannot be considered.</p> <p>Rapid rehousing is underpinned by the concept of 'Housing First', which acknowledges that not everyone is able to</p>	<p>Rapid rehousing will be challenging in itself to achieve, however this option would provide some scope to potentially be able to meet some desired outcomes re rapid rehousing.</p>
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		sustain a tenancy and some vulnerable groups will require support. This option will discriminate between vulnerable groups and leave the Council open to challenge.	
Resources	<p>The Council and external providers will require additional funding / resources to provide the required services. Additional demand will increase spend in particular on B&B and temporary accommodation.</p> <p>On a positive note, carrying out fewer investigations would be likely to mean staff resources focussed on homelessness assessments could be redirected towards rehousing outcomes.</p> <p>A significant increase in arrears is likely.</p>	<p>The Council and external providers will require some additional funding / resources to provide the required services. Additional demand will increase spend in particular on B&B and temporary accommodation.</p> <p>Discretion re investigations would be likely to be more resource intensive in terms of uncertainty and a lack of clarity around decision making.</p> <p>A significant increase in arrears is likely.</p>	The Council and external providers will require no additional funding / resources to provide the required services.
Rough sleeping	In theory a key advantage would be a reduction in rough sleeping, however in practice, small numbers of homeless people sleep rough in East Lothian at circa 20 per annum and there is no correlation between rough sleeping and intentionality.	In theory a key advantage would be a small reduction in rough sleeping, however in practice, few homeless people sleep rough in East Lothian at circa 20 per annum and there is no correlation between rough sleeping and intentionality.	No change.

REPORT TO: Cabinet

MEETING DATE: 10 September 2019

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: East Lothian Council's British Sign Language Plan 2018-2024

1 PURPOSE

- 1.1 To inform Cabinet of the development of East Lothian Council's British Sign Language Plan 2018- 2024.

2 RECOMMENDATIONS

- 2.1 Cabinet is asked to approve the East Lothian Council British Sign Language (BSL) Plan 2018-2024 (Appendix 1) and support the Council's continued commitment to tackling inequality and promoting inclusion of BSL users.

3 BACKGROUND

- 3.1 The BSL (Scotland) Act 2015 received Royal Assent in October 2015 and placed an obligation on the Scottish Ministers to publish a BSL Plan in 2017, followed by Local Authority plans in 2018.
- 3.2 The British Sign Language (BSL) National Plan 2017 – 2023 was published on 24 October 2017. It has ten long-term goals which were co-produced with BSL users across Scotland. The core long-term goal is that *'the Scottish Government wants to make Scotland the best place in the world for BSL users to live, work and visit'*.
- 3.3 East Lothian Council, together with neighbouring local authorities and community planning partners, engaged with the Deaf community and organisations who work to support Deaf people and their families to develop the local plan. The feedback from these events have informed the development of the plan and related actions.

3.4 The BSL Plan for East Lothian reflects the ten long-term national goals. The Plan sets out the actions the Council will take from 2018 – 2024. It demonstrates how we will:

- improve communication and access to services for people who use BSL in East Lothian; and
- promote the use of and understanding of BSL across the county.

3.5. The Plan applies these core aspects to the following key areas of work, outlining additional activity where relevant also:

- Family Support, Early learning and childcare
- School Education
- Training, Work and Social Security
- Health (including social care), Mental Health and Wellbeing
- Transport
- Culture and the Arts
- Democracy
- Justice.

4 POLICY IMPLICATIONS

4.1 To support the achievement of the Scottish Government’s goal the Plan focuses on the following key core areas of work:

- Promoting the use of the Scottish Government’s nationally funded BSL online interpreting video relay services contact SCOTLAND-BSL to staff and to local BSL users
- Increasing staff’s awareness, knowledge and understanding of Deaf culture, language and service provision
- Working with BSL stakeholders to ensure and develop resources and information that are relevant and appropriate
- Taking forward advice developed by Education Scotland to:
 - 1) Improve the way that teachers engage effectively with parents who use BSL, and;
 - 2) Ensure that parents who use BSL know how they can get further involved in their child’s education
- Where the Council provides a license within East Lothian enabling BSL users to take part in culture and the arts as participants, audience members and professionals
- Continuing to support BSL Users to participate in community engagement events

5 INTEGRATED IMPACT ASSESSMENT

5.1 The subject of this report has been through the Integrated Impact Assessment process and no negative impacts have been identified.

6 RESOURCE IMPLICATIONS

6.1 Financial – The Council has been allocated £11,000 per annum from the Scottish Government to support the implementation of the plan.

6.2 Personnel – none

6.3 Other – the development of this Plan demonstrates the Council’s continued commitment to equal opportunities and support for our diverse communities.

7 BACKGROUND PAPERS

7.1 Appendix: East Lothian Council’s British Sign Language Plan 2018-2024.

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DATE	26 August 2019

East Lothian Council

British Sign Language (BSL) Plan

2018-2024



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SECTION 2:

2.1 Introduction

The British Sign Language (BSL) National Plan 2017 – 2023 was published on 24 October 2017. It has ten long-term goals which were co-produced with BSL users across Scotland.

This National Plan and the resultant Plan for East Lothian is as required under the terms of the BSL (Scotland) Act 2015.

The BSL Plan for East Lothian reflects the ten long-term national goals, and sets out the actions the Council will take from 2018 – 2024. This Plan also demonstrates how we will:

- Improve communication and access to services for people who use BSL in East Lothian; and
- Promote the use of and understanding of BSL across the county

2.2 About East Lothian

East Lothian has changed significantly in recent years. The county continues to have population growth ahead of other local authority areas, with an increasing number of young people and a growing elderly population. In East Lothian we have also welcomed new communities including Syrian refugee families, and the needs of existing communities continue to become increasingly diverse. At the same time, the Council's budget is under pressure and the need to reduce costs and modernise the way we deliver our services has never been more important.

The Community Empowerment (Scotland) Act 2015 brings new requirements for the Council and its partners to work with the community and ensure that everyone including BSL Users have the opportunity to participate in local decision making.

This BSL plan sets out our commitment to tackling inequality and promoting inclusion of BSL users. We believe that we need to lead the way in planning and delivering services which meet the needs of our diverse communities and respond to the changes ahead.

2.3 Engagement & Consultation

In developing the East Lothian BSL Plan we have been very conscious of taking into account the views of Deaf and deafblind BSL users. We consider this essential in ensuring the final Plan meets the needs of the Deaf and Deafblind community and will consult and engage with these communities throughout the life of this Plan.

To date in partnership with Midlothian Council, West Lothian Council, the City of Edinburgh Council, NHS Lothian, Scottish Fire & Rescue Service, Police Scotland and the Scottish Ambulance Service we held an engagement/consultation event and listened/heard through interpreters and in person the views and needs of the Deaf and Deafblind communities Lothian-wide. These views have been reflected in this Plan.

Further, in October we held a further event for East Lothian and Midlothian residents with any further needs identified being built into this Plan. This is because we want the East Lothian BSL Plan to be a living document, regularly updated as further needs are identified.

2.4 Continued Commitment

As can be seen from above East Lothian Council is totally committed to continued engagement around:

- 1) Implementing actions; and
- 2) Providing feedback on progress

As such, as and when we are aware of the changing needs of the Deaf and Deafblind community we will update our BSL action plan, and the Council will contribute to the National progress report in 2020.

2.5 Name and contact details of lead officers

If you would like more information about the draft Plan then please contact:

Corporate Policy and Improvement
East Lothian Council
John Muir House
Brewery Lane
Haddington
EH41 3HA
Telephone: 01620 827134

E-mail: equalities@eastlothian.gov.uk

Gillian Neil
Service Manager – Adult Community Resources
East Lothian Health & Social Care Partnership
John Muir House
Brewery Lane
Haddington
EH41 3HA

Telephone: 01875 824078

E-mail: gneil@eastlothian.gov.uk

2.6 Where to find the BSL version of this plan

This Plan is published in BSL and English with English subtitles and can be accessed at www.eastlothian.gov.uk/bslplan

SECTION 3:

3.1 Short summary of the plan

East Lothian Council's BSL Action Plan shares the long-term goal for all Scottish public services set out in the BSL National Plan. This long-term goal is that 'the Scottish Government wants to make Scotland the best place in the world for BSL users to live, work and visit'. East Lothian Council will do this by:

- Promoting the use of the Scottish Government's nationally funded BSL online interpreting video relay services contact SCOTLAND-BSL to staff and to local BSL users;
- Increasing staff's awareness, knowledge and understanding of Deaf culture, language and service provision;
- Working with BSL stakeholders to ensure and develop resources and information that are relevant and appropriate;
- Taking forward advice developed by Education Scotland to:
 - 1) Improve the way that teachers engage effectively with parents who use BSL, and;
 - 2) Ensure that parents who use BSL know how they can get further involved in their child's education;
- Where the Council provides a license within East Lothian enabling BSL users to take part in culture and the arts as participants, audience members and professionals; and
- Continuing to support BSL Users to participate in community engagement events

SECTION 4:

BSL NATIONAL PLAN FOR EAST LoTHIAN COUNCIL

4.1: Across all our services

We share the long-term goal for all Scottish public services set out in the BSL National Plan, which is:

“Across the Scottish public sector, information and services will be accessible to BSL users”

Our Actions

By 2024, we will:

- Analyse existing evidence we have about BSL users in our organisation; identify and fill key information gaps so that we can establish baselines and measure our progress.
- Include a question in our equalities questionnaires/monitoring forms in relation to the use and understanding of BSL which the Scottish Government is developing for the next census.
- Continue to promote staff awareness, knowledge and understanding of Deaf culture, language and service provision issues
- Continue to work with local Deaf organisations to provide a programme of training and awareness raising for front line staff across the Council and third sector organisations, including working with interpreters (particularly for those charring meetings).

Improve access to our information and services for BSL users including making our website more accessible to BSL users by:

- Including simplified access to BSL versions of available information;
- Reviewing guidance on accessing interpretation and translation;
- Using the intranet and internet to promote the use of the Scottish Government’s nationally funded BSL online interpreting video relay services contactScotland-BSL to staff and to local BSL users;

4.2: Family Support, Early Learning and Childcare

We share the long-term goal for all Scottish public services set out in the BSL National Plan, which is:

“The Getting it Right for Every Child (GIRFEC) approach will be fully embedded, with a D/deaf or Deafblind child and their family offered the right information and support at the right time to engage with BSL”

Our Actions

By 2024, we will:

- Review the training levels required by interpreters, support staff and teachers;
- Raise awareness of BSL issues throughout the Education system;
- Consider using BSL from the start of a D/deaf or Deafblind child’s education;
- Consider a Communication Plan when working with parent who is deaf, which would remind those working with the parent:
 - BSL is their first language
 - English is their second language
 - Guidance on communication by text/email to BSL user
 - Meetings cannot take place with BSL user without an interpreter
- Provide early years staff with information about BSL and Deaf culture, and about resources that are available in BSL, so that they can meet the needs of families with a D/deaf or Deafblind child;
- Ensure our children’s services have access to nationally developed BSL resources and advice within key programmes such as Bookbug; and
- Work with BSL stakeholders to ensure and develop resources and information that are appropriate and relevant

4.3: School Education

We share the long-term goal for school education set out in the BSL National Plan, which is:

“Children and young people who use BSL will get the support they need at all stages of their learning, so that they can reach their full potential; parents who use BSL will have the same opportunities as other parents to be fully involved in their child’s education; and more pupils will be able to learn BSL at school”

Our Actions

By 2024, we will:

- Contribute to the Scottish Government’s investigation of the level of BSL held by teachers and support staff working with D/deaf and Deafblind pupils in schools, and take account of any new guidance for teachers or support staff working with pupils who use BSL;
- Take forward advice developed by Education Scotland to a) improve the way that teachers engage effectively with parents who use BSL and b) ensure that parents who use BSL know how they can get further involved in their child’s education;
- Contribute to the SCILT programme of work to support the learning of BSL in schools for hearing pupils as part of the 1+2 programme, including sharing best practice and guidance;
- Consider adding BSL as a subject within the education curriculum;
- Identify potential for Teachers to provide BSL Learning in Schools;
- Ensure Deaf Parents have access to information in BSL. This includes Report cards, Parent evenings, routine information, IT apps, etc. and being able to participate in Parent Councils; and
- Consider accessibility of School Trips, Parent Councils, and work placements

4.4: Training, Work and Social Security

We share the long-term goal for training, work and social security set out in the BSL National Plan, which is:

“BSL users will be supported to develop the skills they need to become valued members of the Scottish workforce, so that they can fulfil their potential, and improve Scotland’s economic performance. They will be provided with support to enable them to progress in their chosen career”

Our Actions

By 2024, we will:

- Signpost pupils and students to a wide range of information, advice and guidance in BSL about their career and learning choices and the transition process;
- Work with partners who deliver employment services, and with employer groups already supporting employability to help signpost them to specific advice on the needs of BSL users;
- Work with specialist organisations to improve the Council’s performance in the number of BSL employees within the workforce;
- Raise awareness locally of the UK Government’s ‘Access to Work’ (AtW) scheme with employers and with BSL users (including those on Modern Apprenticeships) so that they can benefit from the support it provides;
- Track young people in partnership with skills development Scotland;
- Look at having transition plans for BSL users in place; and
- Where possible, work with local employment services to help highlight specific advice and guidance required by BSL users

4.5: Health (including social care), Mental Health and Wellbeing

We share the long-term goal for health, mental health and wellbeing set out in the BSL National Plan, which is:

“BSL users will have access to the information and services they need to live active, healthy lives, and to make informed choices at every stage of their lives”

Our Actions

By 2024, we will:

- Signpost BSL users to health and social care information available in BSL (to be produced by NHS Health Scotland and NHS24), and b) develop complementary information in BSL about local provision, as appropriate;
- Through the Joint Integration Board, ensure that psychological therapies can be offered on a fair and equal basis to BSL users;
- Through the Joint Integration Board, ensure that mental health services can be offered on a fair and equal basis to BSL users;
- Take steps to improve access to information about sport, and to local sports facilities and sporting opportunities: and
- Ensure that any local work to tackle social isolation explicitly considers the needs of BSL users

4.6: Transport

We share the long-term goal for transport set out in the BSL National Plan, which is:

‘BSL users will have safe, fair and inclusive access to public transport and the systems that support all transport use in Scotland.’

Our Actions

By 2024 we will:

- Research technological solutions for providing accessible information in transport hubs (for example bus stations, train stations, airports, etc.) for BSL users
- Through the Licensing process, we will encourage private transport providers to have access to technology to support communication with BSL users and/or designated drivers have basic BSL awareness
- Work with Transport providers to raise awareness of the needs of BSL users, and encourage adequate provision of technology to improve the experience and confidence levels of BSL users when accessing public transport
- School transport: continue to raise awareness of deaf culture and the needs of BSL users and include BSL awareness into the annual disability awareness training delivered to taxi drivers and escorts.

4.7: Culture and the Arts

We share the long-term goal for culture and the arts set out in the BSL National Plan, which is:

“BSL users will have full access to the cultural life of Scotland, an equal opportunity to enjoy and contribute to culture and the arts, and are encouraged to share BSL and Deaf Culture with the people of Scotland”

Our Actions

By 2024, we will:

- Where we provide licences within East Lothian, we will enable BSL users to take part in culture and the arts as participants, audience members and professionals;
- For East Lothian events we will increase information in BSL about culture and the arts on relevant websites and at venues;
- Work in partnership with providers of cultural events and activities across East Lothian to increase availability of signed performances and enhance individuals' access to engagement in cultural activities within East Lothian; and
- Explore the use of technology to enhance the experience of BSL users when visiting East Lothian exhibitions or accessing museum collections

4.8: Democracy

We share the long-term goal for democracy set out in the BSL National Plan, which is:

“BSL users will be fully involved in democratic and public life in Scotland, as active and informed citizens, as voters, as elected politicians and as board members of our public bodies”

Our Actions

By 2024, we will:

- Take opportunities to promote the Access to Elected Office Fund locally, which can meet the additional costs of BSL users wishing to stand for selection or election in local or Scottish Parliament elections;
- Continue to support BSL Users to participate in community engagement events;
- Subject to Council IT protocols, provide links on websites to national information on the Access to Elected Office Fund (Scotland) to provide a signpost to BSL users who wish to stand for selection and election;
- Raise awareness amongst Elected Members about ContactScotlandBSL; and
- Ensure that BSL users have access to information about Elected members/public Appointments in BSL

4.9: Justice

We share the long-term goal for justice set out in the BSL National Plan, which is:
'BSL users will have fair and equal access to the civil, criminal and juvenile justice systems in Scotland'.

Our Actions:

By 2024 we will:

- Work with Scottish Fire and Rescue Service (SFRS), Police Scotland and Scottish Ambulance Service to develop and implement measures to improve access to emergency services for BSL users; and
- Work with SFRS to improve access to SFRS emergency and preventative strategies, (including home fire safety visits), for BSL users

SECTION 5:

5.1 What happens next?

East Lothian Council continues to be interested in your views on this Plan throughout the life of the Plan.

This Plan has been published in BSL and English with English subtitles and can be accessed at www.eastlothian.gov.uk/bslplan

If at any time you would like to comment on this BSL Plan then you can do this in the following ways:

- In BSL you can upload a video on to You Tube at www.youtube.co.uk and send this to the following email address: equalities@eastlothian.gov.uk
- In English you can comment by email to: equalities@eastlothian.gov.uk or gneil@eastlothian.gov.uk or by post using either of the addresses of the lead officers detailed under section 2.5

East Lothian Council intends to hold follow up events throughout the life of this Plan and these will be well advertised on social media, in newspapers, on the Council website and through National D/deaf and Deafblind organisations and groups.

5.2 About You & Continued Involvement

Please contact us if you want to continue to be involved with the Council as we further develop/implement the actions in our plan. Contact details are as follows:

Corporate Policy and Improvement | East Lothian Council |
John Muir House | Brewery Lane | HADDINGTON | EH41 3HA

Telephone: 01620 827134 E-mail: equalities@eastlothian.gov.uk

Gillian Neil | Service Manager – Adult Community Resources | East Lothian Health
& Social Care Partnership | John Muir House | Brewery Lane | HADDINGTON |
EH41 3HA

Telephone: 01875 824078 E-mail: gneil@eastlothian.gov.uk

REPORT TO: Cabinet

MEETING DATE: 10 September 2019

BY: Depute Chief Executive (Partnerships and
Community Services)

SUBJECT: East Lothian Child Poverty Action Report 2019

5

1 PURPOSE

- 1.1 To inform the Cabinet of the development of the East Lothian Child Poverty Action Report which outlines key activity to address child poverty across the county.

2 RECOMMENDATIONS

- 2.1 Cabinet is asked to note the Child Poverty Action Report and endorse the actions outlined within the Action Plan to address child poverty.

3 BACKGROUND

- 3.1 Child poverty means growing up in families without the resources to 'obtain the type of diet, participate in the activities and have the living conditions and amenities' which are the norm in 21st century Scotland. A child is considered to be living in poverty when they are living in a family with an income below 60% of the UK's average after adjusting for family size. In East Lothian child poverty levels vary across the county and often within ward areas. Child poverty can often be hidden as parents strive to do the best they can for their children. On average, 1 in 5 children in East Lothian are living in poverty after housing costs are taken into account, in some areas this rises to 1 in 4.
- 3.2 The Child Poverty (Scotland) Act 2017 introduced the requirement for each Council and NHS Board to produce a Child Poverty Action Report (CPAR). The Children's Strategic Partnership was asked to develop the CPAR on behalf of the East Lothian Partnership. The CPAR is required to highlight activity already underway to tackle child poverty and to identify actions that will be taken over the next twelve months to prevent, reduce

or mitigate against the impact of child poverty. It should demonstrate step change in how we approach the reduction in child poverty.

3.3 The East Lothian CPAR mirrors the Scottish Government's 'Every Child, Every Chance' report and highlights actions against the key policy drivers of:

- Income from work and earnings
- Costs of Living
- Income from social security and benefits

3.4 In addition the East Lothian CPAR also focuses on the following themes to ensure that work to tackle poverty remains relevant and an important part of all the work we undertake:

- Increasing understanding of the impact of child poverty
- Ensuring child poverty is considered as part of the decision making process
- Working in partnership at all levels to continue our focus on reducing poverty.

3.5 The report highlights key challenges in addressing child poverty across the county and priority actions have been identified to address these. The report is also supported by a theory based which provides more statistical information and indicators of poverty across the county.

3.6 Progress against the action plan will be reported to the Children's Strategic Partnership and the report will be updated annually.

4 POLICY IMPLICATIONS

4.1 In East Lothian, the Local Outcome Improvement Plan and the Council Plan make a very strong and clear commitment to tackling poverty and reducing inequality. The East Lothian Poverty Commission shone a light on the lived experience of poverty across the county and the Council and its partners have been working to deliver on all of the recommendations made by the Commission. Activity and partnership working to prevent and reduce poverty are mainstreamed through all aspects of the Councils work and through some specific workstreams and targeted projects which are detailed in the CPAR.

5 INTEGRATED IMPACT ASSESSMENT

5.1 The subject of this report has been through the Integrated Impact Assessment process and no negative impacts have been identified.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – the costs associated with the actions in the plan are contained within existing service budgets.
- 6.2 Personnel – none
- 6.3 Other – none

7 BACKGROUND PAPERS

- 7.1 Appendix: East Lothian Child Poverty Action Report 2019

AUTHOR'S NAME	Rebecca Spillane
DESIGNATION	Policy Officer
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DATE	26 th August 2019

Child Poverty: Taking Action in East Lothian

Child Poverty Action Report 2019

Contents:

- 1. What do we mean by Child Poverty?**
- 2. The Impact of Child Poverty**
- 3. Child Poverty In East Lothian**
- 4. East Lothian Poverty Commission & Strategic Commitment to Reducing Poverty and Inequality**
- 5. East Lothian Area Partnerships focus on Poverty and Inequality**
- 6. Challenges in East Lothian**
- 7. Developing The Child Poverty Action Report**
- 8. Action to address Child Poverty in 2019/2020 and beyond**
- 9. Monitoring and Evaluating Our Progress**
- 10. Further Information**
 - Appendix 1: Action Plan**
 - Appendix 2: Indicators**
 - Appendix 3: Further Statistical Data on Child Poverty**

Foreword

The East Lothian Community Planning Partnership has been dedicated to alleviate the short and long-term impacts of poverty. In 2016 the East Lothian Poverty Commission was set up and produced a comprehensive report and recommendations to tackle poverty in East Lothian. As a result of this report the East Lothian Partnership Plan 2017-2027 has actions on poverty threaded throughout focussed on drivers of poverty: employability, housing, income maximisation and supporting our residents to take control of their lives. The plan also acknowledges the significant challenge of reducing child poverty.

It is clear that public sector and community and voluntary organisations in East Lothian are doing incredible work already to ameliorate some of the worst excesses of poverty in our area. And we have a responsibility to continue to improve what we do. We are committed to ensuring that local public sector decisions and resources target the causes of poverty as all the available evidence tells us that this will make the greatest difference to the life chances of children. But there must be a caution that some of the levers for change exist far from East Lothian. Recent reports from the UN Special Rapporteur on extreme poverty and human rights and the ongoing work of the Poverty and Inequality Commission in Scotland are reminders of the scale of the challenge set by the Child Poverty (Scotland) Act 2017. The Act makes stark the fact that the life chances of children brought up in poverty in Scotland are markedly worse than those of children living elsewhere in Western Europe. It is incumbent on local partners to play a part in changing this story. Our local partnerships must use all our assets and talents efficiently, effectively and wisely. But to make a significant improvement, our decisions and policies about child poverty will need to be inventive and aspirational too. This first Local Child Poverty Action Report for East Lothian provides an overview of our current work and signals our priorities for the next few years.

Angela Leith, Chief Executive East Lothian Council

Professor Alison McCallum, Director of Public Health and Health Policy

‘Poverty means not being able to heat your home, pay your rent, or buy the essentials for your children. It means waking up every day facing insecurity, uncertainty, and impossible decisions about money. It means facing marginalisation- and even discrimination- because of your financial circumstances. The constant stress it causes can lead to problems that deprive people of the chance to play an equal part in society’.

1. What do we mean by child poverty?

Child poverty means growing up in families without the resources to ‘obtain the type of diet, participate in the activities and have the living conditions and amenities’ which are the norm in 21st century Scotland. A child is considered to be living in poverty when they are living in a family with an income below 60% of the UK’s average after adjusting for family size. For example:

- A couple with two children living in poverty has less than £413 per week after housing costs to pay for food, bills, childcare, transport, household items, clothes and other expenses like school trips or children’s activities.
- A lone parent family with two children (aged 5 and 14) is living in poverty if they are living on less than £306 per week (after housing costs have been deducted).

2. Poverty as a Human Rights Issue

The **East Lothian Poverty Commission** was established in February 2016. Their work brought the impact of poverty on individual and family lives into the spotlight. At this time, Universal Credit was being rolled out across the county and examples of extreme hardship were presented as part of their findings. Importantly, their work was heavily influenced and informed by people’s lived experience of poverty. These real life stories served to bring an understanding of a more modern experience of poverty and how living in, or close to poverty, curtailed the choices and sense of worth of individuals and families.



The Commission highlighted poverty as a human rights issue. Everybody, including children have a right to an adequate standard of living that enables them to take part in family and community life. Children and Young People in Tranent have worked with the Children’s

Parliament as part of the *Children as Human Rights Defenders* project which is designed and delivered with children for children across Scotland. The programme explored children's views on what rights they feel need to be defended in Scotland and what support is required from adults to ensure children can be both empowered and protected in their role as human rights defenders. As part of this work, children highlighted the impact that poverty had on their lives and the lives of their families, linking back to the individual rights outlined in the United Nation Convention on the Rights of the Child.

United Nations Convention on the Rights of the Child

Right Number 26: Children have the right to government help if they are poor or in need

Right number 27: Children have the right to a decent home, food and clothes.

Right number 31: Children have the right to play and relax

Right number 12: Children have the right to be listened to and taken seriously



Figure 1 Human Rights Defender Shield

At a recent event 'Unfeart Tranent! A Children's Human Rights Town' children developed their vision for what Tranent town could be. The children put messages about poverty and access to food at the heart of what they want.

Welcome to Tranent. A Town where.....



- People have access to food and clothes and a roof over their head
- Where no one goes hungry
- Children have the right to play in fun, clean, safe and beautiful places.

3. The Impact of Child Poverty

Living in poverty is known to have a long term negative impact on children’s wellbeing and their future life chances. The East Lothian Poverty Commission highlighted the impact of poverty on individuals and families. The stress of poverty on adults within families, often compounds other family pressures with poor mental and physical health seen as both a cause and consequence of poverty.

Children living in poverty are more likely to:

- Have poor physical health
- Experience mental health problems
- Have low sense of wellbeing
- Underachieve at school
- Have employment difficulties in adult life
- Experience social deprivation
- Feel unsafe
- Experience stigma and bullying at school.

4. Child Poverty in East Lothian

In East Lothian child poverty levels vary across the county and often within ward areas. Child poverty can often be hidden as parents strive to do the best they can for their children. On average, 1 in 5 children in East Lothian are living in poverty after housing costs are taken into account, in some areas this rises to 1 in 4. East Lothian is forecast to grow at one of the fastest rates of all 32 local authorities in Scotland. The number of 0-15 year olds is projected to increase by 27.5% between 2012 and 2037¹.

The risk of poverty exists for many more people than are actually in poverty at any one point in time. Some people are more likely than others to fall into poverty than others. In terms of child poverty there are a number of groups in East Lothian who are particularly vulnerable to poverty.

- Gypsy traveller children are extremely vulnerable to living in poverty and can be difficult to support through traditional approaches to service delivery. East Lothian has a shared site with Midlothian Council and work is underway to identify improvements to provision of play space at the site, following work to improve the condition of the overall site.
- There is a close correlation between women’s poverty and child poverty with factors including the gender pay gap and greater reliance on social security having an impact.

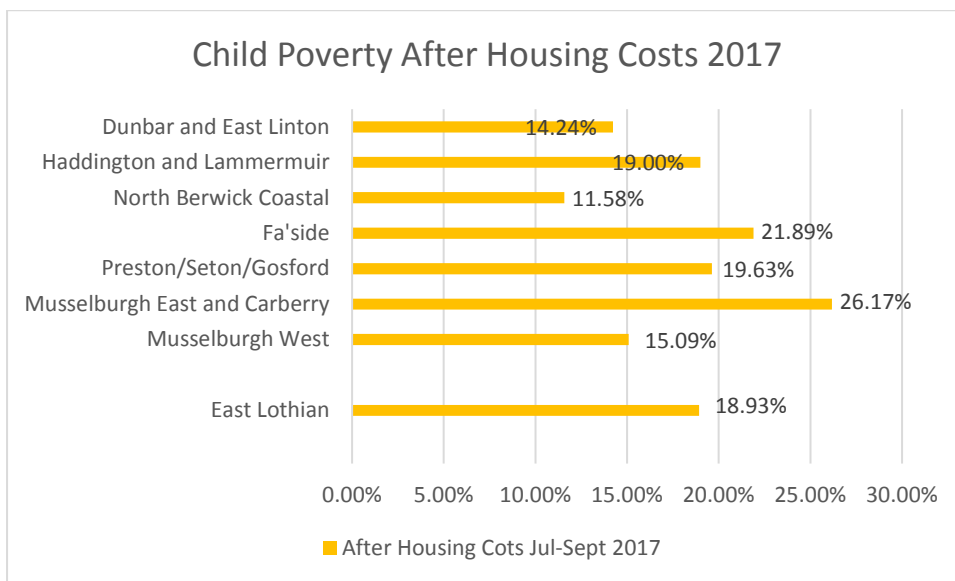
“I had no energy to walk the kids to school and it was hard to focus at work. For the school October holiday club I had no money to give the kids for snack. They went and asked other children for something and I felt awful.”

“Financial poverty can be like the tide, flowing in and out of people lives, at times causing severe damage to all it touches. One of the biggest casualties of financial poverty includes the ability of families to provide nutritious healthy meals for themselves and their children.”

Parents, Prestonpans

¹ From East Lothian by Numbers (https://www.eastlothian.gov.uk/downloads/file/23533/east_lothian_profile_summary)

- Across the UK 92 percent of lone parents are women and lone parents are particularly vulnerable to falling into poverty. 6% of families in East Lothian are single parent families.
- Families with a disabled family member (adult or child) are also more likely to experience poverty.
- Care experienced young people: Children living in poverty are more likely to come into care than their affluent peers. Poverty undermines parenting and exacerbates the factors like substance misuse that are associated with maltreatment.



Other indicators of the level of child poverty include:

- In November 2018, East Lothian Foodbank delivered 245 food parcels, feeding 185 children. In 2018, their food parcels fed 2,014 children.
- In 2018, 9.5% of P4-S6 children were entitled to a free school meal.
- In 2018, 9.3% of P1-P7 children were entitled to a clothing grant.
- The number of children living in poverty has risen significantly since the introduction of universal credit.

More detailed information about poverty levels in East Lothian can be found in appendix 2.

5. Challenges in East Lothian

East Lothian's children experience relatively less poverty than other local authority areas across Scotland. However, there are a number of elements which present the challenge to local services to ask is they are doing enough or will be doing enough to prevent reducing or mitigate against child poverty:

- East Lothian is the fastest growing Scottish local authority with over 10,000 new homes to be built over the next decade. This will mean a growing number of children and young people who will need to access good quality public services.
- East Lothian overall performs well when compared to other local authority areas in terms of poverty. As new family homes are built across the county and the population rises, we need to insure that we continue to count the number of children living in poverty (as percentages are likely to decrease).
- Demand for children's services increased by 8% in 2018/2019. As resources are continually stretched we need to continue our focus on prevention and early intervention for families, reducing the demand for crisis services.
- It is hard to measure levels of in work poverty and to take account of underemployment in employment data.
- East Lothian's private rented sector remains in short supply with rent levels above the average.
- Skills Development Scotland predict an increase in the number of jobs at lower pay levels increasing the possibility of in work poverty.
- Increasing pressure on budgets requires all partners to focus on key priorities and services are squeezed. Short term funding and unpredictability of future funding sources, particularly from the EU, are of concern.

6. Strategic Commitment to Reducing Poverty and Inequality

The East Lothian Poverty Commission reported its findings in 2017 to East Lothian Council and the East Lothian Community Planning Partnership. Their report 'Challenging perceptions. Overcoming Poverty' outlined a series of recommendations across nine key areas which urged local government to do more to tackle poverty and empower local communities to tackle poverty in their communities also.

The Council and the East Lothian Partnership fully endorsed the findings and recommendations of the Commission and the Commission's work continues to impact on the work of all partners.

East Lothian Partnership is a group of organisations from across public, private, third and community sectors, working in partnership to improve outcomes for people in East Lothian. To help achieve this, the [East Lothian Plan 2017-27](#) sets out the strategic actions and direction of work we want to prioritise over the next few years, and has been heavily influenced by the Poverty

East Lothian Partnership

Commission’s work. The Partnerships overall commitment is to work in partnership to achieve an even more prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy that enables our people and communities to flourish.

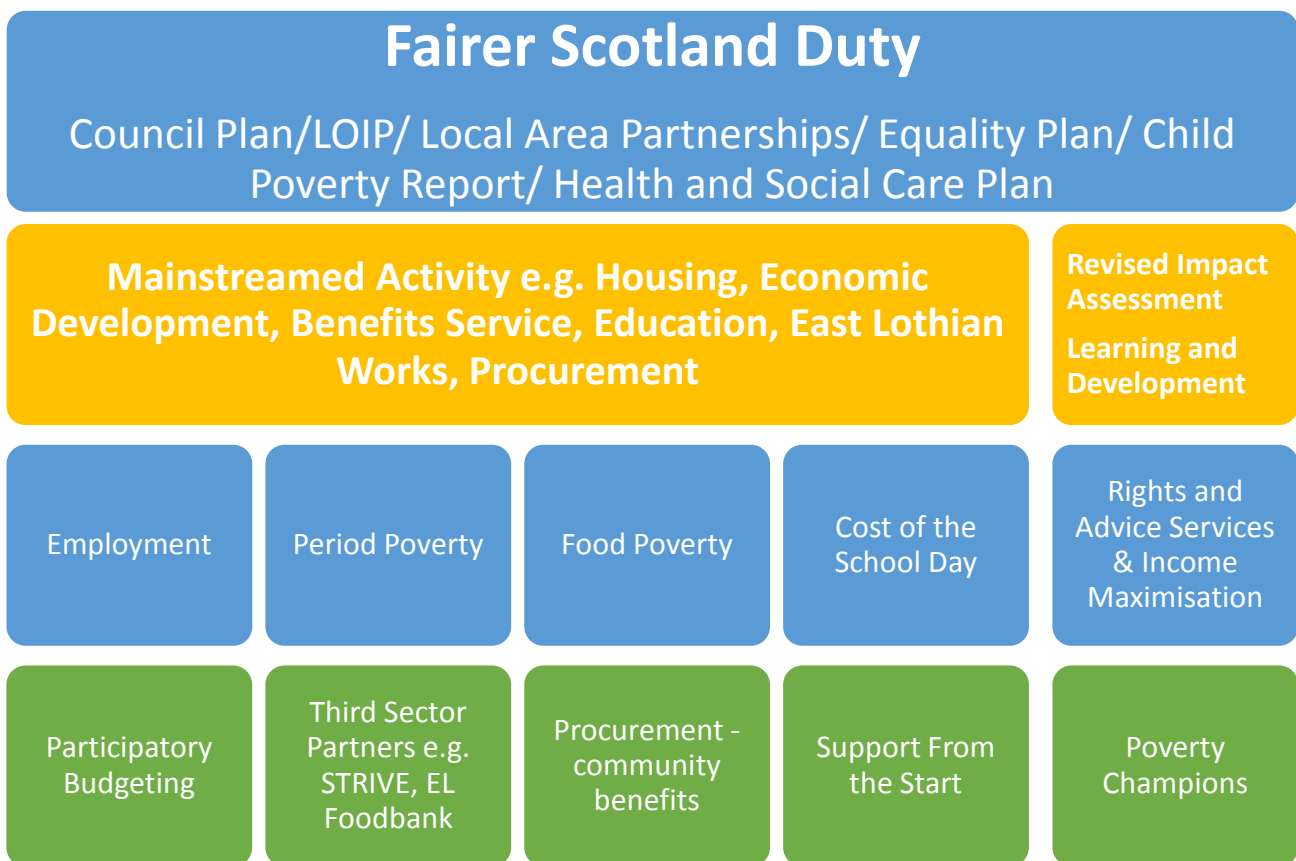
Our focus of the Partnerships is on:

- Reducing inequalities across our area
- Tackling poverty
- Working to prevent problems - and acting quickly when problems start

The East Lothian Council Plan reflects these themes also and sets a clear commitment to reducing poverty and inequality. The overarching objective of ‘*reducing inequalities within and across our communities*’ that was adopted in 2014 remains the overarching objective of the new Council Plan. The Plan sets out the following strategic goals which will make the biggest impact in delivering these key themes and objectives.

- Reduce unemployment and improve the employability of East Lothian’s workforce.
- Reduce the attainment gap and raise the attainment and achievement of our children and young people.
- Improve the life chances of the most vulnerable people in our society.
- Extend community engagement and decision making and increase community and individual resilience.

The following diagram shows some of the key strands and plans in plan which contribute to our focus on reducing child poverty.



7. East Lothian Area Partnerships focus on Poverty and Inequality



Figure 2 Local Area Partnership map

There are six Area Partnerships in East Lothian which are the local voice of community planning and each has a delegated budget from East Lothian Council to deliver improvements in their area. Each of the six Area Partnerships is chaired by a volunteer member of the local community and supported by an Area Manager who is employed by East Lothian Council.

Each Area Partnership has an Area Plan which provides a profile of the main features of the local area and their priorities for improvement.

This helps to focus the allocated budget on the priorities which local people have identified, to help reduce inequalities in their community. Over the past two years the Partnerships have worked hard to increase awareness and understanding of poverty and take action to reduce poverty in their local communities.

7.1 Musselburgh Area Partnership focus on Reducing Inequality

Musselburgh Area Partnership invited the Poverty Commission to present their findings to them and subsequently challenged themselves to identify ways to reduce poverty in their community.

Musselburgh Area Partnership distributed £65,000 to a total of fourteen projects through a digital participatory budgeting programme in early 2019. The PB exercise invited projects which aim to reduce poverty and inequality to take part in the exercise. The following are some examples of the projects which will make a difference to children and families living in poverty.

- **Summer Holiday Play scheme Provision for Wallyford & Whitecraig** – a free programme of extracurricular summer activities including lunch for primary school aged children. To engage families through stimulating activities, directly addressing the importance of play and attachment. Run in local community centres.
- **Putting Money in Your Pocket** – to help people to maximise their household income through benefit uptake, accessing affordable credit and switching to cheaper contracts .
- **Campie Cares** – to help families reduce the cost of the school day and learn without worrying about money. To give children financial help towards

Figure 3 Participatory Budgeting poster

attending one school trip and P7 camp. Help run free family events to offer help to protect against poverty.

- **Summer Community Cafe at First Step** – providing a community cafe for all to enjoy that is free. The cafe will provide a breakfast and warm lunch to people through the summer holidays and will be a chance for people of all ages to socialise and eat healthily.
- **Musselburgh Community Kitchen** – to provide a sociable environment to learn new cooking skills which are affordable and healthy, for all ages and abilities.
- **Play on Pedals & Big Read Project** – highlighting that reading to young children sets them up to succeed and riding a bike improves physical fitness, a child’s learning development and mental health.
- **Musselburgh Kindness Fund** – to provide social workers, family workers, health workers and community staff with access to small amounts of funds to support families in crisis with items like power cards, telephone credits, essential items such as nappies and vouchers for public transport.

7.2 Projects Reducing Inequality in other Area Partnerships:

Fa’side Fridge



Figure 4 Fa'side Fridge picture

The Fa’side Fridge project provides a friendly, safe and non-judgemental social space where parents, carers and families can meet for tea and a chat whilst accessing healthy food and advice relevant to their needs. The project offers the opportunity to try new foods and to obtain advice on healthy food choices, cookery skills and nutrition, in order to encourage healthy affordable eating for the whole family.

The project is being delivered in an innovative partnership between East Lothian Foodbank, Home Start East Lothian, Fundamental Foods, Roots and Fruits, The Fa’side Area Partnership and Sanderson’s Wynd Primary School.

Red Boxes in Secondary Schools

Developed by the East Lothian Food Bank and funded through our local Area Partnership's schools across East Lothian received 'Red Boxes' filled with a variety of sanitary products and related items such as clean underwear, shower gels and fresh tights. The products were free to those who needed them in the schools.



Figure 5 Red Box contents

Prestonpans Holiday Lunch Club



Figure 6 The Wee Pans Lunch Club

"We know that 'The Wee Pans Lunch Club' initiative has been a life saver for some of Prestonpans young families. The children really enjoyed coming together and having proper meals in a fun social environment. They also liked getting involved in food preparation and trying new things. It's been a great success and the parents are pleased that the children were gaining both nutritionally and socially, and also had structure to their days during the holiday period."

'I'm sometimes embarrassed to have people round to the house as its all second hand furniture and mixed up but that's what we have.'

East Lothian Parent

8. Working in Partnership to Reduce Poverty: Examples

8.1 Expansion of 1140 Early Learning and Childcare – Joining the Dots

East Lothian Council is working to deliver the expansion of early learning and childcare hours from 600 hours to 1140 hours by August 2020. Over the past 18 months, a number of trials sites have offered parents extended hours. The feedback from parents has been very positive about the financial and wider benefits to health and wellbeing, for example:

'Less financial strain, more financial benefit which also helped alleviate stress.'

'More time to engage in college work through the day rather than late evenings.'

'It presented an opportunity to change working patterns - additional hours enabled weekend shift work to be replaced by week day shifts; this in turn enable more quality family time during the weekend.'

East Lothian Works is working with key employability partners to develop local opportunities to return to education or training or find suitable employment while parents access the increased childcare hours. There is also a focus on developing new routes into early learning and childcare as a valued career choice. The Council is working closely with Edinburgh College to develop new and flexible routes to Early Learning and Childcare, including modern apprenticeships, local training centres and work experience opportunities.

8.2 East Lothian Financial Inclusion Service

'A single parent family with 3 dependent children and 1 non dependant presented for assistance to the Financial Inclusion Service. I assisted the client in applying for Universal Credit after her Income support stopped. We also made an application for council tax reduction as the customer was in arrears with her council tax.

At our initial appointment I was able to do a benefit check for the customer to give her an indication of what she would receive. One of her children receives Disability living allowance and she is his full time carer. I wanted to ensure that these circumstances were reported correctly in her Universal Credit as this would affect the amount of money she would receive. We were also able to request with UC that the customer wanted her rent paid direct to the landlord and that she would also like her UC paid twice monthly as she was able to budget better with her payments this way.

The client was also under pressure from our rent income team as she had missed rent payments I was able to contact them and advise that we are in the process of sorting out her income and we agreed that customer did not have to make a payment until she received her first award of UC.

While the client was waiting on her first payment of UC she was able to apply for an advance payment of her UC. I was able to give advice on this and what to expect her repayments to be depending on how much of an advance she took. I was also able to assist the client in apply for Personal Independent payments for her non dependant son. He was previously on disability living allowance but this stopped and she was unable to complete another form. I assisted her in calling for a new form for him and completing the form.

Once Council tax reduction was applied we were able to set up an arrangement for the client to start paying this. I also supported the client in calling Stirling Park to make an arrangement to pay back previous council tax that was outstanding.

Due to some arrears the customer had on her rent account our rent income team are able to recover payments for the arrears from her Universal credit and they can set this at 20% deduction. We were able to negotiate this to 10% making sure that the customer didn't suffer any financial difficulties while trying to pay back debts. The support for this client is still ongoing until we hear back if her son has been awarded Personal Independent payment. We want to ensure that he does receive this as this will also affect the client's Universal credit as there will no longer be a non-dependant deduction. We also want to make sure that the non-dependant is receiving the correct benefits he is entitled to.

9. Developing the Child Poverty Action Report

Established in 2015 the Children's Strategic Partnership (CSP) is focused on our partnership commitment to every child and young person in East Lothian. The Partnership has taken the lead on developing the Child Poverty Action Report for East Lothian.

In June 2018 the Children's Strategic Partnership hosted a workshop event 'Child Poverty: Taking Action in East Lothian' to bring together key organisations and individuals who work towards reducing child poverty and its impact in East Lothian. Over 15 organisations and services were represented at this event. The feedback from this event has been used to inform the development of the Child Poverty Action Report.

In Spring 2019, The East Lothian Partnership held its Spring Forum event bringing community and voluntary sector organisations together to focus on the theme of 'Health Inequality and Wellbeing'. Following a presentation on Health Inequality, 15 organisations and individuals took part in a workshop considering the draft Child Poverty Action Plan.

The East Lothian Report mirrors the Scottish Government's 'Every Child, Every Chance' report and highlights actions against the key policy drivers of:

- Income from work and earnings
- Costs of Living
- Income from social security and benefits

In addition to these, the Partnership has also focused on:

- Increasing understanding of the impact of child poverty
- Ensuring child poverty is considered as part of the decision making process
- Working in partnership at all levels to continue our focus on reducing poverty and inequality.

10. Action to Address Child Poverty in 2019/20 and beyond

The development of the Child Poverty Action Report provides the opportunity to ask what more we can do to reduce child poverty in East Lothian. The framework presented in section 7 above, identifies core work streams that we can ensure that reducing inequality is at the core of what we can do. Together with partners we continue to work to maximise our resources and ability to do more to prevent and reduce poverty and mitigate against its impact. The Action Plan presented in Appendix 2 incorporates actions that we will take forward over the coming year, but also actions which will take longer to develop and implement.

The following actions represent **additional** focused action which will support the reduction in child poverty which we aim to take forward in 2019/20.

10.1 Income from work and earnings

- East Lothian Council and NHS Lothian working to achieve Living Wage Employer Accreditation.

- Deliver the 'Disadvantaged Families Service' alongside the 'Our Families' project developing better outcomes for our most vulnerable families.
- Continue to work with Intowork and CAB to ensure that the transition from benefits to work for disabled people increasing incomes for families.
- Continue to offer a range of Employability Programmes through East Lothian Works (arising from the East Lothian Economic Development Strategy Action Plan).

10.2 Costs of Living

- Roll out of the 1140 Hours of Early Learning and Childcare offering a flexible and affordable access to childcare across the county.
- Roll out of the 'Period Poverty' Action Plan with particular actions for new mothers in need of sanitary products immediately post birth.
- Expand eligibility for Clothing Grants.
- Increase provision of holiday clubs to prevent hunger, learning loss and isolation during school holidays.
- Continue to offer Free Active Schools Place to children and expand the programme to consider other 'hidden' costs of participation.

10.3 Income from social security and benefits

- Develop a new Financial Inclusion Pathway for pregnant women and families in East Lothian.
- Increase awareness of and uptake of the Healthy Start/ Best Start grant for families in East Lothian.
- Continuation of the Financial Inclusion Service trialled in 2018, continuing to support people to manage and mitigate the impact of Universal Credit.

1.4 Increasing understanding of the impact of child poverty

- Roll out of the Cost of the School Day/ 1 in 5 Training to a range of audiences including schools, parent councils and sports clubs.
- Review and relaunch of the 'Understanding Poverty' and 'Child Poverty' E-learning module targeted at all staff and available to community groups.
- Information briefings for Elected Members on the Child Poverty (e.g. elected members briefing held on 17th June 2019).
- Development and Support for Poverty Champions in Schools and Local Area Partnerships.

10.5 Ensuring child poverty is considered as part of the decision making process

- Implementation of the revised Integrated Impact Assessment (IIA) which has a clear focus on poverty and those vulnerable to falling into poverty, including a particular focus on care experienced young people and linked the UNCRC.
- Further focus on human rights within our Integrated Impact Assessment process.

- Training and awareness raising for Senior Management, Elected Members and all staff to use the new IIA process with opportunities to raise awareness of child poverty and the UNCRC.
- Improved use of 'East Lothian by Numbers: Deprivation and Inequality' as a statistical profile of East Lothian giving services easy access to data on a range of indicators of poverty.

10.6 Working in partnership at all levels to continue our focus on reducing poverty and inequality

- Include a focus on Child Poverty at the East Lothian Community Planning Partnership Community Event on the 27th of April 2019.
- Develop the East Lothian Food Friends Network, supporting those increasing access to affordable food.
- Revision of 'Community benefits' procurement process to ensure benefits are targeted in ways which support environmental and social benefits for communities.
- Continue to work in partnership to support the roll out of new social security arrangements where appropriate.
- Work with partners to identify issues affecting children, particularly those from minority communities in East Lothian.

11. Monitoring and Evaluating Our Progress

The Children's Strategic Partnership will monitor the implementation of the Child Poverty Action Report. Progress will be reported in June each year in line with the required reporting schedule set out by the Scottish Government. Appendix 2 of this report outlines the current measures and actions that will be taken forward over the coming 12 months.

12. Further Information

For more information about the Child Poverty Plan or any of the activity outlined in the plan, please email policy@eastlothian.gov.uk or call 01620 82 7134.

Child Poverty - Taking Action in East Lothian

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Child Poverty Action Report

Key Drivers:

- Income from work and earnings
- Costs of Living
- Income from social security and benefits

Additional Focus on:

- Increasing understanding of the impact of child poverty
- Ensuring child poverty is considered as part of the decision making process
- Working in partnership at all levels to continue our focus on reducing poverty and inequality.

1.	Income From Work and Earnings	Who action is carried out by	How impact has/will be assessed See appendix 4 for detail	Group(s) the action is intended to reduce poverty amongst	Resources allocated	Timescales for action	Reporting channel
1.1	Develop more sustainable employment and training pathways for all in East Lothian	Connected Economy Group	East Lothian Council Plan Indicators: 1, 2, East Lothian Plan indicators: 1,2,3 & 4	Working aged adults (16+) potential to target <ul style="list-style-type: none"> ○ Lone parents ○ 3 + children ○ Minority ethnic parents ○ Mother <25 	East Lothian Economic Development Strategy Action Plan Delivery through East Lothian Works and other local and regional delivery partners	2019-2020	ELP Governance Group Connected Economy Group

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1.2	Deliver the 'Disadvantaged Families Service' in Musselburgh East alongside the 'Our Families' Project	City Region Deal Project	To be confirmed	Families with multiple vulnerabilities	EU Structural Funding as part of City Deal	April 2020	City Region Deal
1.3	Continue to deliver adult employability programmes including e.g. <ul style="list-style-type: none"> • NOWEL Programme • Paid Work Experience • Adult Employability Programme • Modern Apprenticeships 	East Lothian Works & Partners including NHS Lothian	East Lothian Council Plan Indicator: 4	Working aged adults (16+) potential to target <ul style="list-style-type: none"> ○ Lone parents ○ 3+ children ○ Minority ethnic parents ○ Mother <25 	Mainstream budgets	2019-2020	Connected Economy Group
1.4	Develop and deliver models to inspire positive career choices including the 'Kidzania Model'	East Lothian Works	Feedback from participants in the programme	All children	Mainstream budgets	September 2019	Connected Economy Group
1.5	Continue partnership with Edinburgh College to deliver locally based	East Lothian Works Edinburgh College	Number of participants	n/a	Mainstream budgets	2019-2020	Children Strategic Partnership

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	courses in early learning and childcare						
1.6	East Lothian Council to work towards achieving Living Wage accreditation	Corporate Policy and Improvement/ HR/ Procurement	Accreditation achieved	All Staff	Mainstream budgets	April 2020	East Lothian Council
1.7	NHS Lothian to work towards achieving Living Wage accreditation	NHS Lothian	Accreditation achieved	All staff	Mainstream budgets	April 2020	NHS Lothian
2.	Income from Social Security and Benefits	Who action is carried out by	How impact has/ will be assessed	Group(s) the action is intended to reduce poverty amongst	Resources allocated	Timescales for action	Reporting Channel
2.1	Scope the development of a new Midwife lead Financial Inclusion Pathway for pregnant women and families	NHS Lothian	East Lothian Plan Indicator: 23 & 24	All groups	This project is in development with resource requirements being identified and scoped	September 2019	Children Strategic Partnership
2.3	Develop a new specification for the Advice and Rights Services across East Lothian to ensure appropriate access to income maximisation, and debt and money advice.	Advice Services working group	East Lothian Plan Indicator: 23 & 24	All groups	Mainstream budgets	New contract from January 2020	East Lothian Council

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2.4	Continuation of the Financial Inclusion Service trialled in 2018.	ELC Revenues Service via the Welfare Rights Team	East Lothian Plan Indicator: 23 & 24	All groups	Mainstream budget	April 2020	East Lothian Council
2.5	Work with partners and across services support the delivery of any new social security arrangements as appropriate	Benefits and Customer Services	East Lothian Plan Indicator: 23 & 24	<ul style="list-style-type: none"> - Lone parents - Disabled child or parent - 3+ children - Minority ethnic parents - Children under 1 year of age - Mother <25 	Mainstream budget	2019 - 2020	East Lothian Council
2.6	Increase uptake of Healthy Start/ Best Start grant	NHS Lothian	East Lothian Plan Indicator: 23 & 24	<ul style="list-style-type: none"> - Lone parents - 3+ children - Minority ethnic parents - Mother <25 	Mainstream budgets and communication channels and networks	2019 - 2020	Children Strategic Partnership
2.7	Continuously work to identify ways to support employees to access advice services when needed e.g. information about Macmillan Support for those who are affected by cancer	East Lothian Council and NHS Lothian	New initiatives / interventions identified	East Lothian Council and NH Lothian staff	Mainstream budgets and communication channels and networks	2019-2020	East Lothian Council NHS Lothian

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2.8	Continue to link return to work/ training candidates with welfare and benefits advice to ensure a good transition between benefits and work	East Lothian Works with Into Work and CAB's.	East Lothian Plan Indicator 2	This service is focused on those with barriers to returning to employment			East Lothian Works
3.	Working in partnership at all levels to continue our focus on reducing poverty and inequality	Who action is carried out by	How impact has/ will be assessed	Group(s) the action is intended to reduce poverty amongst	Resources allocated	Timescales for action	Reporting Channel
3.1	Review structures which progress work on different aspects of poverty to ensure a cohesive approach which harnesses collective knowledge and resources	Corporate Policy and Improvement & NHS Lothian	New structures established and operational	Not applicable	Officer Time	2019-2020	East Lothian Partnership
3.2	Continue to support local communities to take action on poverty and inequality through the work of the Area Partnerships and participatory budgeting	ELC Connected Communities – Area Managers	Examples of local activity to reduce poverty and inequality	All groups	Area Partnership Budgets	2019-2020	Area Partnerships

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3.5	Development of a new approach to Community Benefits ensuring better alignment to reducing inequalities and tackling poverty	ELC Connected Communities and Procurement	To be developed	All groups	Officer time	November 2019	East Lothian Council
4	Cost of Living	Who action is carried out by	How impact has/ will be assessed	Group(s) the action is intended to reduce poverty amongst	Resources allocated	Timescales for action	Reporting Channel
4.1	Implement the 1140 hours of Early Learning and Childcare for East Lothian	East Lothian Council Education Service	East Lothian Plan Indicator 23	Lone Parents 3+ children Minority ethnic Mother <25	Mainstream budgets with additional funding from Scottish Government	Full roll out by 2020	Children Strategic Partnership
4.2	Increase the number of residents from specific target groups accessing local sport and leisure facilities at reduced rates, including a review of peak time access for those with Leisure Cards	Active Schools & Enjoy Leisure	To be developed	All groups	Existing budgets	2019-2020	East Lothian Council

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4.3	Continue to offer Free Active School activities to those entitled to Free School Meals and all Care Experienced Young People & explore potential to expand this to include young carers	Active Schools Business Unit	Number of free places allocated	<ul style="list-style-type: none"> ○ Lone Parents ○ 3+ children ○ Minority ethnic ○ Mother <25 ○ Care Experienced Young People 	Existing budgets	2019-2020	East Lothian Council
4.5	Support from the Start local initiatives to support the best start in life for children and young people	NHS Lothian, Support from the Start	Monitored on a project and cluster basis	<ul style="list-style-type: none"> ○ Lone parents ○ 3> children ○ Minority ethnic parents ○ Mother <25 	Existing budgets	2019-2020	ELP Governance Group
4.6	Raise awareness and understanding of the impact of Child Poverty by delivering the 1 in 5 training to head teachers, teachers and school based staff	ELC Education, Corporate Policy & NHS Lothian	<p>Number of Training sessions delivered</p> <p>Number of participants</p> <p>Actions arising from the training – longer term impact</p>	All groups	<ul style="list-style-type: none"> ● Cost of the School Day Materials ● Venues ● Number of Training hours 	2019-2020	Children Strategic Partnership
4.7	Work with Parent Council's and PTA's to raise awareness of the impact of poverty and	ELC Education and NHS Lothian	Number of Training sessions delivered	All groups	<ul style="list-style-type: none"> ● Cost of the School Day Materials ● Venues 	2019-2020	Children Strategic Partnership

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	<p>the cost of the school day including:</p> <ul style="list-style-type: none"> - Considering the cost implications of fund raising activity - Consideration of the impact of other hidden costs of the school day - Taking an innovative approach to reducing the cost of the school day 		<p>Number of participants</p> <p>Actions arising from the training – longer term impact</p>		<ul style="list-style-type: none"> • Number of Training hours 		
4.8	<p>Deliver the recommendations of the Food Poverty and Holiday Hunger Group including the improvement and expansion of holiday hunger provision across the county</p>	<p>ELC Education and NHS Lothian in partnership with voluntary sector organisations</p>	<p>Number of weeks of lunch club provision in each area</p> <p>Number of free breakfast club places available in each area</p>	<ul style="list-style-type: none"> ○ Lone Parents ○ 3+ children ○ Minority ethnic ○ Mother <25 	<p>Costed proposals are currently being developed.</p>	<p>2019-2020</p>	<p>Children Strategic Partnership</p>
4.9	<p>Increase the Supply of Affordable Housing as per the Local Housing Strategy</p>	<p>East Lothian Council Housing</p>	<p>East Lothian Plan Indicators: 19 & 24</p>	<p>All groups</p>			<p>East Lothian Housing Partnership</p>

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4.10	Continue to implement the Minimum Standard of Accommodation at the Gypsy Traveller site and work with residents to identify further improvements needed including the provision of play space (in line with the new Scottish Government Gypsy Traveller Strategy)	East Lothian and Midlothian Councils (it is a shared site)	Minimum standard of accommodation at Gypsy Traveller sites is met	Gypsy Traveller Children	To be confirmed once the Scottish Government Gypsy Traveller Strategy is published in Summer 2019	2019-2020	East Lothian Housing
4.11	Continue to work to prevent and reduce homelessness	East Lothian Council Housing	East Lothian Plan Indicators: 19 & 24	<ul style="list-style-type: none"> ○ Homeless ○ Threatened with homelessness 		March 2024	East Lothian Housing Partnership
4.12	Reducing Fuel Poverty - Improve knowledge of the levels, extent and nature of fuel poverty and energy efficiency of housing - Continue to provide / facilitate services to maximise household income / reduce household debt	East Lothian Council Housing	East Lothian Plan Indicator: 20	<ul style="list-style-type: none"> ○ Rural Communities ○ Families with a disabled person ○ Families on low incomes 	Mainstream budget	2019-2020	East Lothian Housing Partnership

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	<ul style="list-style-type: none"> - Continue to target energy efficiency advice at households most at risk of fuel poverty - Reduce the cost of fuel to households and communities where practical via a range of measures <p>(From Local Housing Strategy)</p>						
4.13	<p>Period Poverty –</p> <ul style="list-style-type: none"> • Continue the Red Box scheme in all Secondary Schools • Increase access to sanitary products in primary schools • Implement plans for community access to sanitary products including products for new mother immediately post birth 	<p>ELC Education and Corporate Policy</p> <p>Partnership with the voluntary sector</p>	<p>Projects will be evaluated by the Scottish Government and at a local level e.g. the number of people accessing free products</p>	<ul style="list-style-type: none"> • All those in need of sanitary products • New mothers 	<p>Scottish Government Funding for Sanitary Products in Schools and communities</p>	<p>2019-2020</p>	<p>Children Strategic Partnership</p>

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5.	Increasing Understanding of Child Poverty	Who action is carried out by	How impact has/ will be assessed	Group(s) the action is intended to reduce poverty amongst	Resources Allocated	Timescales for action	Reporting Channel
5.1	Review and relaunch of the 'Understanding Poverty' E-learning module targeted at all staff and available to community groups	Corporate Policy	Number of Participants	All employees	Officer time	October 2019	East Lothian Council
5.2	Keep Elected Members and senior officers informed of the progress with the Child Poverty Action Report	Corporate Policy	Increased understanding of poverty and its impact by elected members and senior officers	All Elected Members and senior employees	Officer Time	October 2019	East Lothian Council
5.3	Support for the role of Poverty Champions in Schools and Local Area Partnerships	NHS Lothian and ELC Corporate Policy and other relevant partners	Actions arising / changes happening as a result of this role	As per relevance at Area Partnership level/ cluster level	Officer Time	2019-2020	East Lothian Council
5.4	Work with the Children's Parliament and local groups including minority groups to identify new issues	NHS Lothian and East Lothian Council	Actions arising / changes happening as a result of this work	<ul style="list-style-type: none"> • Disabled Children • Ethnic Minority children 	Officer time	December 2019	Children Strategic Partnership

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6.	Ensuring child poverty is considered as part of the decision making process	Who action is carried out by e.g. list of all those partners involved in action	How impact has/ will be assessed	Group(s) the action is intended to reduce poverty amongst e.g. who is service targeted at and who is using it?	Resources Allocated	Timescales for action	Reporting Channel
6.1	Revise the ELC Integrated Impact Assessment Process to include <ul style="list-style-type: none"> • Care Experienced Young People • Include additional references to the Fairer Scotland Duty • Incorporation of Human Rights considerations including UNCRC and the PANEL principles • Explore potential for use of common IIA process or training with NHS Lothian 	Corporate Policy	Number of IIA's published	Care Experienced Young People All Equality Groups	Officer Time	October 2019	East Lothian Council

Appendix 2 Measuring Actions and Outcomes: The East Lothian Plan 2017-2027: Outcome Indicators

THEME 1 – PROSPEROUS						
Themes and Outcomes		Proposed Indicators	Source	Baseline 2017/18	Target 2022	Lead Group/ Partner
Outcome 1.1 East Lothian people are working, are free from in-work poverty and are able to develop and improve their work skills.	1	Job density – proportion of people of working age (16-64) in employment in East Lothian (including employed and self-employed) (2016 – 35,000 / 65,000)	Economic Development Strategy NOMIS	0.55 (2016)	0.60	Connected Economy Group
	2	% earning less than the Living Wage	ONS – Annual survey of hours and earnings	19.1% (2017)	17%	Connected Economy Group
	3	Adult employment Rate	SLAED / NOMIS	75.5%	80%	Connected Economy Group
	4	Number of people participating in EL Works operated or funded employability programmes	SLAED	384	400	Connected Economy Group
THEME 2 – COMMUNITY-MINDED						
Outcome 2.2 East Lothian People can live affordably and contribute to a thriving community life in a high-quality environment.	19	Number of affordable homes completions and Open Market Acquisitions	Local Housing Strategy	628 (2012-2017)	945 (2018-2023)	East Lothian Housing Partnership
	20	% of households in fuel poverty	Scottish House Conditions Survey	28% (2014-2016)	23% (2027 target)	East Lothian Housing Partnership
THEME 3 – FAIR						
Outcome 3.1 We tackle the causes and effects of poverty in East Lothian and we reduce the gap between the richest and the poorest people.	23	% of children in families with limited resources	Scottish Government indicator	8% (2014-16)	6.5% (2023)	Children and Young People's Partnership
	24	% of children living in households with less than 60% of average income after housing costs	Scottish Government indicator	18.9% (Jul - Sept 2017)	16% (2023)	Children and Young People's Partnership
	25	% of children (in any domain) with a developmental or wellbeing concern at their 27-30 months assessment	Children and Young People's Partnership	15.7% (2017)	14% (2020)	Children and Young People's Partnership

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	34	% of children in Primary 1 who are overweight or obese	Data collected by NHS	Clinical BMI – 16% Epidemiological thresholds – 22% (2016/17)	13% (2020) 18% (2020)	Children and Young People's Partnership
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Appendix 3 Local Child Poverty Action Report – Data on Child Poverty

This section of the Child Poverty Action Report sets out the statistical base from which we can understand the prevalence of poverty and child poverty in East Lothian. East Lothian is forecast to grow at one of the fastest rates of all 32 local authorities in Scotland. The number of 0-15 year olds is projected to increase by 27.5% between 2012 and 2037. As the population of the county grows, with significant private house building, it is important for us to look beyond the % of children living in poverty and identify the actual number of children living in poverty within each area. This will help us to identify what action we need to take to support those experiencing poverty within our communities.

For detailed information about East Lothian's communities, please view our [East Lothian by Numbers profiles](#).

1. Poverty in East Lothian

Although East Lothian is generally considered to be an area of high employment and general affluence there is considerable variation in economic activity, unemployment and the financial position of households between and within East Lothian's wards.

East Lothian is made up of 132 data zones, 6 of which fall within the most deprived 20% of areas in the whole of Scotland.

- The 6 most deprived datazones are located in Prestonpans, Tranent and Elphinstone.
- The most deprived datazone in East Lothian is located in Tranent.
- Higher levels of deprivation are concentrated in the western part of East Lothian (around Musselburgh, Wallyford, Tranent and Prestonpans), although there are also pockets of deprivation in Haddington and Dunbar.
- 12.6% of children were identified as living in poverty. This rose to 20.3% when housing costs were included. These figures were below both the Scottish average and neighbouring Council area figures.
- 89% of East Lothian residents think that their household is managing quite well or getting by alright financially.
- Only 1% of residents identified themselves as being in deep financial trouble.
- 59% think that it would be no problem for their household to find £250 to meet a sudden expense. This figure drops to 43% if they had to find £500 instead.
- 7% of East Lothian households are in extreme fuel poverty compared to 10% in Scotland.(from: [EL by numbers – deprivation and inequality, 2016](#))
- In 2018, 1129 pupils across East Lothian's primary and secondary schools were entitled to free school meals (PEF data, 2018)

Child Poverty - Taking Action in East Lothian

2. Child Poverty in East Lothian

2.1 Child Poverty by Ward

The percentage of children living in poverty in East Lothian varies across the Ward areas with concentrations of child poverty reflecting overall poverty levels. In the tables that follow you can begin to build a picture of child poverty in East Lothian.

Percentage of children in poverty ² Local Authority and wards*	BEFORE HOUSING COSTS		AFTER HOUSING COSTS	
	Oct-Dec 2015	Jul-Sept 2017	Oct-Dec 2015	Jul-Sept 2017
East Lothian	12.58%	11.77%	20.32%	18.93%
Musselburgh West	9.14%	9.29%	15.03%	15.09%
Musselburgh East and Carberry	17.69%	16.54%	28.33%	26.17%
Preston/Seton/Gosford	12.90%	12.22%	20.93%	19.63%
Fa'side	15.76%	13.71%	25.12%	21.89%
North Berwick Coastal	7.47%	7.04%	12.18%	11.58%
Haddington and Lammermuir	11.49%	11.82%	18.45%	19.00%
Dunbar and East Linton	9.07%	8.74%	14.81%	14.24%

² From End Child Poverty, 2018: <http://www.endchildpoverty.org.uk/poverty-in-your-area-2018/>

Child Poverty - Taking Action in East Lothian

2.2. Child Poverty – vulnerable categories

<p>Lone parents – it is known that poverty rates for children in lone parent households are almost double those for two parent households (36% compared to 19% across Scotland).</p> <p>(Local Government Benchmarking Framework 2018)</p>	<p>6% of families in East Lothian comprise of lone parents (compared to 5% across Scotland) (Scottish Household Survey 2016)</p>
<p>Either a disabled child or parent – it is known that children in households with a disabled person are more likely to be in poverty (30% compared to 20%).</p> <p>(Local Government Benchmarking Framework 2018)</p>	<p>1.4% of children in both primary and secondary schools in East Lothian are disabled.</p> <p>(ELC Education Department 2016/17)</p>
<p>3 or more children (classed as large family). The definition of a large family household – contains two adults of any age and three or more children, or three or more adults of any age and one or more children.</p> <p>(Scottish Government, March 218)</p>	<p>In East Lothian 3% of families are classed as large compared to 5% across Scotland. (the Scottish Household Survey 2016)</p>
<p>Minority ethnic parents</p>	<p>1.6% of East Lothian’s population identify as Asian and 0.8% identify as being Black (or Caribbean). (the Scottish Household Survey 2016)</p>
<p>Children under 1 year of age - it is suggested that the poverty rate is higher for younger children than for older children (28% for under 4s, compared to 21% and 22% for 5-12 and 13-19).</p> <p>(Local Government Benchmarking Framework 2018)</p>	<p>1.1% of East Lothian’s children are under 1 year old. Compared to 1% across Scotland. (National Record for Scotland, 2016)</p>
<p>Mother under 25</p>	<p>18.2% of mothers in East Lothian are under 25 compared to 19.8% across Scotland. (National Record for Scotland, 2016)</p>

Child Poverty - Taking Action in East Lothian

2.3 Other Indicators of Child Poverty

Free School Meals & Clothing Grant

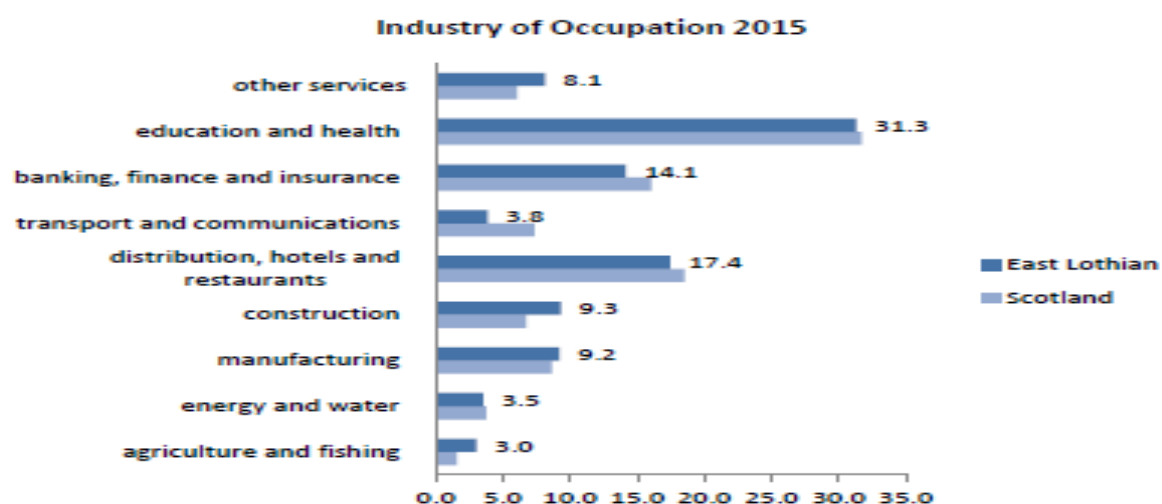
Feb 2019	Number of Pupils	% of School roll
Free School Meals	1,009	9.5% (of P4 to S6)
Clothing Grant	1,234	9.3% (P1 to P6)

3. Causes of Poverty in East Lothian

3.1 Income from employment

East Lothian sees many people commuting out of the area for employment. We can see from the graph that, across East Lothian, a sizable amount of people are employed in these sectors suggesting a focus for income maximisation work. The Guidance also highlights that women are more likely to be over represented in low pay and part time work and Close the Gap (September 2018) state that poverty in Scotland has a “female face”.

The employment types in East Lothian

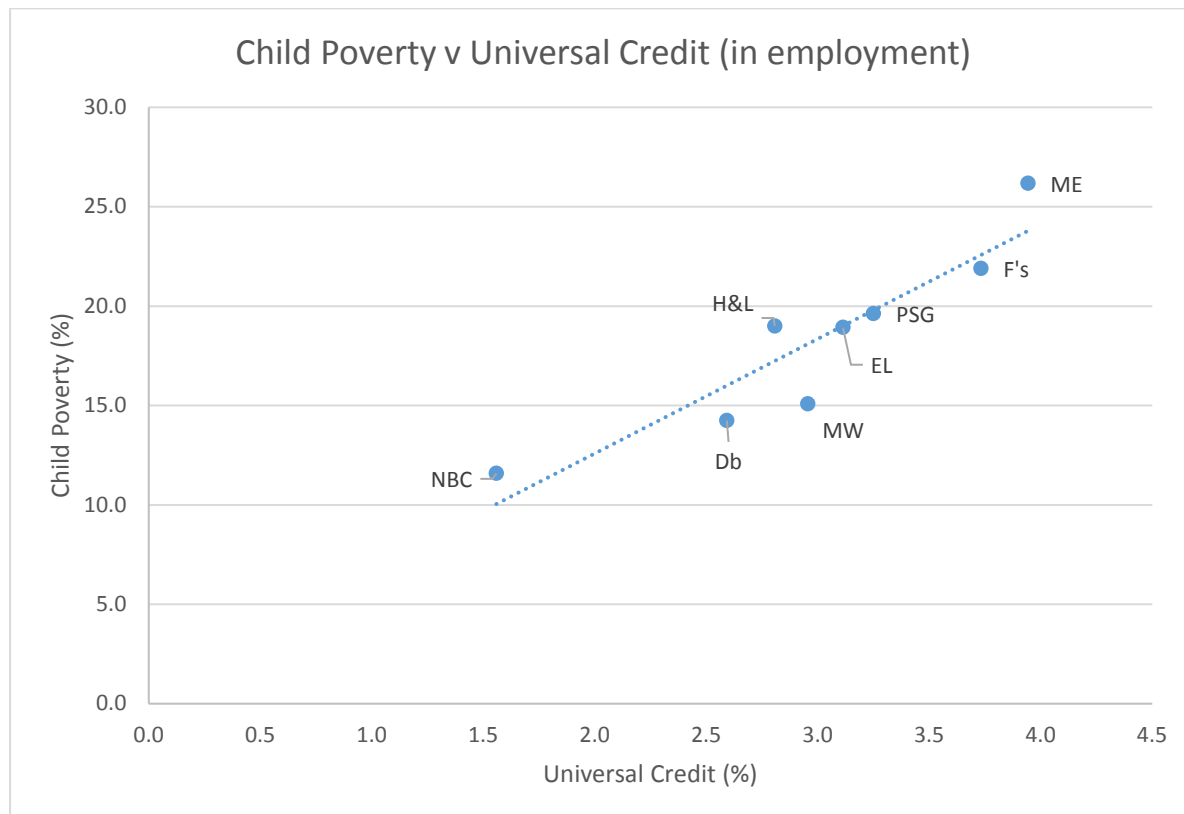


Industry of occupation, East Lothian and Scotland 2015 (from NOMIS 2016)

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3.2 In Work Poverty

The following table highlights a significant number of families in East Lothian experiencing “in work” poverty who are having their incomes topped up with UC. The dotted line shows the close correlation between the Child Poverty rate and universal credit (in employment).

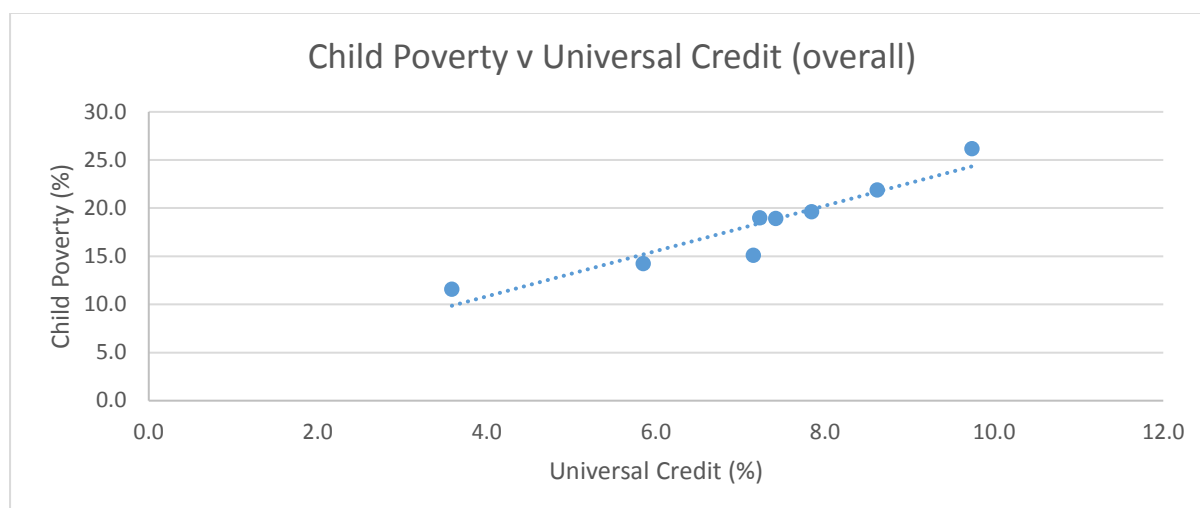


UC (March provisional 2018). Population (Mid Year 2016)

3.3 Income from social security and benefits in kind

The table below show that the introduction of Universal Credit has had a significant impact on a child’s experience of poverty in East Lothian. The thin blue dotted demonstrates the correlation between the % of families in receipt of Universal Credit and the % of children living in poverty.

Child Poverty - Taking Action in East Lothian



(Universal Credit ([March provisional 2018](#)) and Population ([NRS Mid year 2016](#)))

Area Partnership Area	Universal Credit	UC in employment	Child Poverty
Dunbar & East Linton	5.8	2.6	14.2
Fa'side	8.6	3.7	21.9
Haddington & Lammermuir	7.2	2.8	19.0
Musselburgh East & Car berry	9.7	3.9	26.2
Musselburgh West	7.1	3.0	15.1
North Berwick Coastal	3.6	1.6	11.6
Preston Seton Gosford	7.8	3.2	19.6
East Lothian	7.4	3.1	18.9

(Universal Credit ([March provisional 2018](#)) and Population ([NRS Mid year 2016](#)))

Child Poverty - Taking Action in East Lothian

4. East Lothian's Progress Against National Targets

The Child Poverty (Scotland) Act 2017 establishes a set of national child poverty targets for 2030 with interim targets for 2023. The Act sets out four indicators or measures of child poverty with national medium (2023) and longer term (2030) targets for children living in Scotland.

The indicators and targets are:

Indicator	2023 Target	2030 Target	East Lothian 2014/16 baseline stats
Relative Poverty – living in a household whose income is less than 60% of median net household income for the year	Less than 18%	Less than 10%	18.9% (2017)
Absolute Poverty – living in a household whose income is less than 60% of median net household income for the year adjusted for inflation since April 2010	Less than 14%	Less than 5%	
Persistent Poverty – experiencing relative poverty in the last three years.	Less than 8%	Less than 5%	
Combined low income and material deprivation – living in a household whose income is less than 70% of median net household income and experiences material deprivation	Less than 8%	Less than 5%	8% (in 2014)

For further statistics on issues relating to child poverty, see the following profiles:

Children and Young People in East Lothian, A Statistical Profile

East Lothian by Numbers – Deprivation and Inequality

Both available from the [East Lothian by Numbers webpage](#)

Child Poverty - Taking Action in East Lothian

REPORT TO: Cabinet

MEETING DATE: 10 September 2019

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Update on Electric Vehicle Charging Point Infrastructure and the Introduction of Tariff Structure

6

1 PURPOSE

- 1.1 To advise members of progress made to date on the installation of electric vehicle charging points, within East Lothian. To describe the longer-term vision and funding opportunities available. To highlight the initiatives and projects in development and how the infrastructure is being managed. To introduce a pricing structure for the use of electric vehicle charging points.

2 RECOMMENDATIONS

- 2.1 That Members note the introduction of 43 public charging points as part of the Transport Scotland initiative to establish a countrywide charging infrastructure network to enable electric vehicles to be driven throughout Scotland. Additional funding has been received from the UK Department for Transport's Office of Low Emission Vehicles (OLEV).
- 2.2 That Members note that the charging units are currently free at the point of use, and endorse the recommendation to apply a tariff for the use of the electric vehicle chargepoints.

3 BACKGROUND

- 3.1 In December 2013, Transport Scotland published 'Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles', the government's ambition to decarbonise transport by 2050.
- 3.2 In 2016, the Scottish Government's programme for Scotland announced as part of its growing a productive, sustainable economy to increase the use of low carbon transport in line with the Climate Change Plan.
- 3.3 In 2017, the First Minister announced the ambition to phase out the need for new petrol and diesel cars and vans by 2032.
- 3.4 A key target of the vision is to influence the early market sales by

increasing the availability of electric vehicle charging points across strategic and local road networks up until 2020.

- 3.5 To deliver these ambitious targets several objectives are being promoted:
- To develop a mature market for low carbon cars achieving an average efficiency for new cars of less than 95g CO₂/km;
 - To deliver a complete electric vehicle (EV) charging infrastructure in Scottish cities and towns.
- 3.6 The growth in ownership of electric vehicles has increased 17 fold in the last 6 years, and is predicted to continue to accelerate. However, public perception and concerns remain over the range of the vehicles and ability to charge in all areas.
- 3.7 On the 30th October, East Lothian Council adopted the Local Transport Strategy (LTS), which provides for the support and implementation of infrastructure to encourage sustainable travel and the use of electric vehicles and to assist Transport Scotland in the delivery of public charging points.
- 3.8 Accompanying the LTS, the Parking Management Strategy (PMS) daughter document introduced Parking Policy 17: The Council will review the 'free at point of use' Electric vehicle charging point policy, at regular intervals.
- 3.9 On 09 July 18 East Lothian Council received £532,000 funding from Transport Scotland through the Local Authority Investment Programme (LAIP), and on 25 September 18 an additional award of £45,000 from the OLEV On-street Residential Chargepoint Scheme (ORCS) was made to cover the costs of chargepoint installation. See Appendix 1: East Lothian Chargepoints for locations. Through further discussions and agreement with Transport Scotland, Road Services have drawn down total investment of £861,575 split as follows:
- £811,575 from LAIP
 - £45,000 from OLEV ORCS as match funding for LAIP
 - £5,000 from OLEV Workplace Chargepoint Scheme (WCS)
- 3.10 Additionally, under Round 1 of Transport Scotland's Switched on Towns and Cities Fund (SOTC), East Lothian Council was awarded funding (worth around £40k) for a feasibility study to explore opportunities to provide enhanced facilities in Musselburgh to support widespread adoption of EVs, particularly by businesses including taxi companies.
- 3.11 This study was conducted by the Energy Saving Trust, and provides recommendations on how to incentivise, encourage, promote a step change in the use of EVs, and encourages ELC to use this information to support its application to Round 2 of SOTC for a grant. SOTC 2 bids are expected to be in the region of £1.5m to £2.5m.
- 3.12 Taking on board the report's recommendations and applying a practical extrapolation of their findings, it is estimated the level of infrastructure for resident and visitor charging units required for the whole of East

Lothian by 2023 in order to encourage 15% of vehicles to be EVs, will require this level of investment. This will be the first reasonable step towards the Scottish Government's target to phase out the need for new petrol and diesel car and van sales by 2032.

- 3.13 The feasibility study will be lodged in the Members' library for information.
- 3.14 A detailed description of Electric Vehicle charge point proposals are made in Appendix 5.
- 3.15 A detailed position on current progress, site selection considerations, development of initiatives, and EV terminology is supplied in Appendix 1: East Lothian Chargepoints.
- 3.16 A full list of other sources of funding available to both local authorities, individuals and businesses, and these are tabled in Appendix 2: Funding Sources.
- 3.17 In addition to those funding opportunities, incentives to electrify fleet and pool vehicles, as well as provide workplace chargepoints for staff bringing their own EVs to work are available. ELC's progress in this area is explored in Appendix 3: ELC EV Fleet.
- 3.18 To ensure appropriate levels of use and access to the chargepoints, the charging spaces will be controlled by a Traffic regulation Order. Appendix 4 – Parking restrictions at Chargepoints describes this policy. To start the statutory procedure necessary to make an Order, a report to cabinet will be prepared describing the restriction per site per chargepoint.
- 3.19 Electric vehicle charge point infrastructure is a further street furniture asset added to the suite of road assets maintained at public expense. Current asset valuation estimates a gross replacement cost (GRC) of £816,000 at present rates. The depreciation cost (GDC) has not been calculated but will be included in the asset status option Report (ASOR). Further details are contained in Appendix 8: Electric vehicle chargepoint asset status.
- 3.20 To meet the anticipated growth in electric vehicles, it is recognised that this cannot be accomplished solely by national and local government. It will therefore be appropriate and necessary to seek modification to local development plans and technical guidance. Appendix 6: Planning policy and EVs provides guidance to this requirement.
- 3.21 In 2017, the Council had seven operational public chargepoints that over a 12-month period incurred electrical charges of £9,850. An increase to 43 chargepoints suggests a potential bill of £60,507 per year, if usage remains proportional.
- 3.22 Taking into account this significant increase in cost to provide electricity, maintenance and back office services a review of the infrastructure costs and services was undertaken.
- 3.23 In the development of a robust business case for the introduction for charging, Road Services took in to account the views of the wider electric vehicle owner's community, benchmarked with other Local Authorities and explore viable models and technological challenges with

Transport Scotland and Department for Transport before making the following recommendations.

- 3.24 Accordingly, it is recommended that the following tariffs be applied:
- 30p per kWh for Journey (Rapid) chargepoints (over 43kW)
 - 16p per kWh for all other (Destination) chargepoints
 - An overstay charge to discourage abuse of the charging spaces
 - A minimum charge of £1 per session, which would be waived if the session is interrupted
- 3.25 Taking into consideration the review, the preparation and technical work necessary to recover tariffs it is anticipated a charging regime could be introduced in winter 2019-20.

4 POLICY IMPLICATIONS

- 4.1 These proposals will contribute towards The East Lothian Plan – 2017-27 focusing on the safety, sustainability and economic growth agenda.
- 4.2 This proposal will contribute towards East Lothian’s SOA Outcome 7 – East Lothian is an even safer place.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – A charge of £9,850 was made to the Road Service Revenue account in 2017-18 for electricity costs. Without introducing a means to recover costs, electricity costs may increase to £60,507. Financial pricing models predict a surplus of £7k to £32k on the recommended tariff for usage per kWh.

The provision of all new electric vehicle chargepoint infrastructure is fully funded through Transport Scotland and the Office of Low Emission Vehicles with additional funding opportunities available. As the service does not have a dedicated resource or have the capacity to develop the appropriate expertise and skills necessary to manage these assets, arrange maintenance, administer operations and manage the facilities associated with the technology an additional post will be created.

- 6.2 Personnel – The delivery of the technical challenge implementing the Electric Vehicle Chargepoint infrastructure will require an additional substantive post to be created within the Road Service establishment

This post is essential in the delivery of the Local Transport Strategy and growth agenda, so will be included in the service review currently ongoing necessary to re-align staff and resources to deliver the ambitions of the Council.

6.3 Other - None

7 BACKGROUND PAPERS

7.1 Report to Members' library Electric Vehicle Charging Infrastructure
Update 21st November 2014

AUTHOR'S NAME	Peter Forsyth
DESIGNATION	Asset and regulatory Team Manager
CONTACT INFO	Morag Haddow/ Ryan Robertson
DATE	September 2019

Electric Vehicle Chargepoint Infrastructure and Supporting Electric Vehicles in East Lothian

Appendix 1: East Lothian Chargepoints

The figure below shows the East Lothian EV chargepoint network as of summer 2019; we are actively pursuing other funding opportunities via, for example, the Switched On Towns and Cities Fund.

All locations have been selected for suitability based on as many as possible of the following criteria

- Location – close to population centre, accessibility
- Technical – suitable grid connection, ground conditions
- Facilities – lit, overlooked, toilets and shops nearby
- Requested – a request for an on-street public chargepoint from an individual EV owner



Figure 1: Chargepoint network in East Lothian as of summer 2019

In addition, there is an ever-growing number of 'public' chargepoints being installed on private land at e.g. filling station forecourts, super market car parks, pubs and restaurants, visitor attractions, hotels and railway stations. These are out with ELC's control, and an up-to-date map can be viewed on <https://chargeplacescotland.org/> (if government funded) or via various EV apps, including:

- Zap Map
- Plugshare
- Watts-Up

Terminology

There are 4 main types of chargepoint:

Slow/Domestic



These tend to be 3.7kW units for overnight charging, or may be suitable for long-stay car parks and workplaces. They are installed at the John Muir House car park for charging our pool cars.

Figure 2: Example domestic chargepoint

Destination (Standard)



These (7.4kW) units take 6-8 hours to fully charge a vehicle, and are therefore less suitable for areas where high turnover is required and the parking time is restricted. However, they are useful for workplaces and long-stay car parks. In 2018, ELC replaced all of our dated Standard public chargepoints with Destination (Fast) or Journey (Rapid) chargepoints. ScotRail, and other private hosts still install new and operate existing Standard chargepoints.

Figure 3: Example Destination (Standard) chargepoint

Destination (Fast)



These 22.5kW chargepoints usually have two sockets on a single unit. They are installed between 2 parking bays so that 2 vehicles can charge at once. They tend to be fairly unobtrusive compact units. Where a Destination chargepoint is referred to in this document this will be a double-outlet unit with two designated parking bays.

Figure 4: Example Destination (Fast) chargepoint



Journey (Rapid)

Rapid chargepoints can supply up to 43kW AC and up to 50kW DC and tend to have 3 tethered cables but only two can be in use at any one time, due to the amount of power being drawn.

Figure 5: Example Journey (Rapid) chargepoint

Appendix 2: Sources of Funding

To assist policy implementation, Transport Scotland and Office for Low Emissions (OLEV) provide financial support to local authorities, workplaces, individuals and businesses to stimulate installation of charge points and incentivise uptake of ULEVs. List of available support is provided here. For most up to date information on support available from Transport Scotland, please visit [Energy Saving Trust](#).

Support provided by Transport Scotland

Local Authority Funding	
Programme	Description
Switched on Towns & Cities Feasibility Studies	Fully funded feasibility support providing 10 local authorities with forecasts for EV uptake and recommendations for the location, quantity, specification and investment case for charging infrastructure.
Switched on Towns & Cities Challenge Fund	Annual competition for up to 100% capital infrastructure projects for up to 5 Local Authorities - with a funding value of £1.5 to £2.5 million per project. Match funding may be used as a weighing consideration.
Switched on Fleets	Full grant for 3 years lease of a new ULEV, or the difference in price between ULEV and an ICE comparison - available for replacement vehicles only where ULEV replaces current ICE vehicle in council owned fleet.
ChargePlace Scotland	Grant funding available for workplaces to install EV charging infrastructure. This support could form part of council's sustainable transport strategy where council fleets consist of ULEVs. Workplace charge points are available to for use by employees only and do not form part of public charging infrastructure.
eBike Grant Fund (including ebikes, ecargo and accessible ebikes)	Up to £100,000 available for any public sector body. Up to £15,000 for 3 rd sector (i.e. community groups, charities). Match funding required for both.
Sustainable Transport Review	A free analysis of an organisations transport arrangements with a report detailing how cost and CO ₂ savings could be achieved.

Other Public Sector Organisations Funding	
Programme	Description
Switched on Fleets	Full grant for 3 years lease of a new ULEV, or the difference in price between ULEV and an ICE comparison - available for replacement vehicles only where ULEV replaces current ICE vehicles in the organisation's own fleet.
Switched on @ Work	Free of charge employee engagement support providing information to employees on the benefits of switching to ULEVs and ebikes. ULEV test drives and driver training and ebike test rides are also offered as part of these events.
ChargePlace Scotland	Grant funding towards installation of charge points.
FuelGood Driver Training	Subsidised fuel efficient driver training for employees in ULEV, petrol and diesel cars and light vans.
eBike Grant Fund (including ebikes, ecargo and accessible ebikes)	Up to £100,000 available for any public sector body. Up to £15,000 for 3 rd sector (i.e community groups, charities). Match funding required for both.
Switched on Communities	Free of charge community engagement workshops providing information to individuals on the benefits of switching to ULEVs and ebikes. ULEV test drives and ebike test rides are also offered as part of these events.
Sustainable Transport Review	A free analysis of an organisations transport arrangements with a report detailing how cost and CO ₂ savings could be achieved.

Consumer Funding	
Programme	Description
ChargePlace Scotland	Up to £300 grant funding available to install a domestic charge point.
Low Carbon Transport Loan Fund	Six-year interest free loan of up to £35,000 towards purchase of a new ULEV.
eBike Loan	Four-year interest free loan of up to £3,000 per ebike (maximum of two bikes per household) or up to £6,000 per ecargo bike or per adaptive ebike.
FuelGood Driver Training	Free of charge fuel efficient driver training for individuals in ULEV, petrol and diesel cars and light vans.
Consumer Advice	Free, impartial advice from Home Energy Scotland on sustainable transport focusing on cost and carbon savings.

Business Funding	
Programme	Description

Low Carbon Transport Business Loan	Interest free loan of up to £120,000 with a 6-year repayment period. Funding is capped at: £35,000 per electric car/van; £50,000 per electric HGV; and £10,000 per electric motorbike/scooter and other sustainable transport measures or mechanisms that would support switch to low carbon or active travel
Switched on @ Work	Free of charge employee engagement workshops providing information to employees on the benefits of switching to ULEVs and ebikes. ULEV test drives and ebike test rides are also offered as part of these events.
ChargePlace Scotland	Grant funding towards installation of charge points.
eBike Business Loan	Interest free loan of up to £30,000 towards purchase of ebikes, ecargo bikes and adaptive ebikes.
FuelGood Driver Training	Subsidised fuel efficient driver training for employees in ULEV, petrol and diesel cars and light vans.
Scottish Bus Emissions Retrofit Programme	Grant funding available of up to £350,000 per applicant (£25,000 per vehicle) to companies operating local bus services within proposed LEZs (i.e. Aberdeen, Dundee, Edinburgh and Glasgow) and current Air Quality Management Areas, to retrofit existing buses so they emit less NOx and PM.
Sustainable Transport Review	A free analysis of an organisations transport arrangements with a report detailing how cost and CO ₂ savings could be achieved.

Taxi and Private Hire Funding	
Programme	Description
Low Carbon Transport Loan Fund	Interest free loan of up to £35,000 towards purchase of ULEV for taxi and private hire drivers.
Low Carbon Hackney Cab Loan	Interest free loan of up to £120,000 with a 6-year repayment period. Funding is capped at: £35,000 per electric car/van. Private hire taxi operators are eligible to apply.

Housing Association Funding	
Programme	Description
Plugged in Households	Grant funding for not-for-profit housing associations and cooperatives to procure the services of a zero emission car club, for use by their tenants and the wider local community.

Support Provided by Department for Transport's Office of Low Emission Vehicles

On-street Residential Chargepoint Scheme ¹	Grant support for local authorities towards the cost of installing on-street residential charge points. The funding available is for 75% of the capital costs of procuring and installing of a charge point and an associated dedicated parking bay.
Ultra Low Emission Taxi Infrastructure Scheme ²	Grant funding for local authorities towards installation charging infrastructure for use by taxi and private hire
Workplace Charging Scheme ³	Voucher-based scheme that provides support towards the up-front costs of the purchase and installation of electric vehicle charge-points, for eligible businesses, charities and public sector organisations.
Electric Vehicle Homecharge Scheme ⁴	Grant funding of up to 75% towards the cost of installing electric vehicle chargepoints at domestic properties across the UK.
Plug-in Car Grant	Individuals, businesses and TPH drivers are eligible to receive grant funding from OLEV towards purchase of a plug-in car, van or motorbike - a grant of up to £3,500 is available when purchased cars have CO ₂ emissions of less than 50g/km and can travel at least 112km (70 miles) without any emissions at all. Vans with CO ₂ emissions of less than 75g/km and can travel at least 16km (10 miles) without any emissions at all are eligible to receive a grant of up to £8,000. Taxi drivers are eligible to receive grant from OLEV of up to £7,500 when replacing their existing Hackney carriages with a plug-in alternative.

¹ <https://www.gov.uk/government/publications/grants-for-local-authorities-to-provide-residential-on-street-chargepoints>

² <https://www.gov.uk/government/publications/ultra-low-emission-taxi-infrastructure-scheme-round-2>

³ <https://www.gov.uk/government/collections/government-grants-for-low-emission-vehicles>

⁴ <https://www.gov.uk/government/collections/government-grants-for-low-emission-vehicles>

Appendix 3: ELC EV Fleet

Fleet vehicles

The East Lothian Council fleet includes buses and other service vehicles. The Transport and Waste Services Manager is very keen to trial electric vehicle technology for their larger vehicles. There is an option to provide vehicle charging from the solar panels already installed at the Kinwegar Recycling Centre in Wallyford. The practicalities and cost of the following are being actively considered:

- Electric bus – may be leased or purchased
- Electric sweeper – a fully electric sweeper has just come to market, which the Operations Team are keen to be the first in utilising. We are in a strong position to make it a success.
- Refuse Collection Vehicle - operationally we are confident of making this deliver. This would be based at Kinwegar and operate in Musselburgh and its environs – including our Air Quality Management Area.

Property Maintenance Fleet

In addition to the specialised fleet vehicles such as bin lorries, ELC runs a fleet of around 130 property maintenance vans which are allocated to individual members of staff and taken home at night. Electrifying this fleet poses particular challenges around locations for charging and current working practices, and further work will be commissioned to look at the options available.

Pool vehicles

As the pool car fleet is expanded and promoted, there is need to ensure that it is available to officials at all times. Dedicated pool car EV chargepoints at council offices would mean that employees using pool cars would be assured of a parking space on return to the crowded office car park which would be a considerable benefit over using a personal vehicle, and help to promote the use of EV pool cars.

A proposal for dedicated chargepoints for the pool fleet is being drafted by the Transport Services Manager, making use of funding available through the Workplace Charging Scheme administered by the Energy Saving Trust. This is over and above the chargepoints that will be available in council car parks for staff to charge their own cars and for the public to use out-of-hours, and which are included in this project.

Car club

Since early 2018, ELC has been a corporate member of Enterprise Car Club with vehicles based at Randall House and John Muir House for the exclusive use of staff as pool vehicles. There is the option of opening out membership to the general public out-of-hours, making use of existing assets to provide additional sustainable transport options to the community.

Charging infrastructure for employees at workplaces

In the longer term we are looking to provide charging opportunities for staff at all council premises e.g. schools. This would be connected to the building's electricity supply (rather than Road Services). Grants are available from the Energy Saving Trust: <http://www.energysavingtrust.org.uk/scotland/businesses-organisations/transport/electric-vehicles-chargeplace-scotland>

Appendix 4: Parking Restrictions at Chargepoints

Parking restrictions

In East Lothian, charging places on the public road network or in ELC car parks are subject to a Traffic Regulation Order restricting parking to plugged-in EVs only.

Our parking policy will differentiate between Journey (Rapid) chargepoints and others. Journey chargepoints will not be treated as parking spaces as high turnover of users is essential to make best use of this expensive asset. Drivers will be expected to stay for 20 minutes or less (80% charge), until they have taken enough electricity to complete the next stage of their journey.

- **Journey (Rapid)** chargepoints – up to 45 minutes with a 90 minute no-return period. A £1 per minute overstay charge (after a 10 minute grace period) will be administered through the Chargeplace Scotland back office, alongside the tariff. The maximum overstay charge will be set to be equal to the local Penalty Charge Notice. This method of restricting overstaying is endorsed by the Electric Vehicle Association.

Other chargepoints fulfil a different function, complementing the driver's daily business and therefore, will be treated as parking spaces.

- **Destination (Fast/Standard) chargepoints** - up to 4 hours stay between 8.30am-5.30pm, with a 90 minute no-return period. No restrictions for EVs overnight. This will be policed by our parking attendants and parking fines collected through the usual mechanisms.
- **'Park & Choose' hubs and long-stay car parks** - parking restrictions will be considered on a case-by-case basis

Car Club vehicles are shared by multiple drivers and need a dedicated public parking space. If requested a slow charger will be installed for the electric car club vehicle at their 'base' parking space.

- **Car Club EVs** – no parking restrictions on their 'base' parking space.

Appendix 5 – East Lothian EV network proposals

Over financial 2018/19, around £860k was received from Transport Scotland and the Department for Transport to cover the installation of EV chargepoints around the county.

This has produced a basic network including -

- ‘alpha’ charging hubs in each of our six town centres and in East Linton to serve the trunk road network – comprising at least one Journey (Rapid) and one Destination chargepoint at each
- ‘beta’ satellite hubs in strategic locations – comprising at least two Destination chargepoints in each
- Additional chargepoints in villages and residential areas, where these have been requested

Aspirations 2019-23

In 2019, Transport Scotland (TS) directly funded the Energy Savings Trust (EST) to conduct an in-depth feasibility study (worth an estimated £40k) under Round 1 of the Switched on Towns and Cities (SOTC) Challenge Fund programme focusing on Musselburgh and Wallyford.

This calculates the infrastructure required to provide for 15% of vehicles being electric. This is considered a reasonable step towards the Scottish Government’s aim to phase out the need for new petrol and diesel cars by 2032.

For Musselburgh/Wallyford the recommendations were:

- 16 more Destination chargers
- 6 more Journey (Rapid) chargers

Scaling this up to the whole of East Lothian suggests a need for an additional:

- 119 Destinations chargers
- 12 Journey (Rapid) chargers

These will be spread across all towns and villages. Indicative plans for our 6 largest towns are below with sites due for completion in 2019/20 highlighted green.

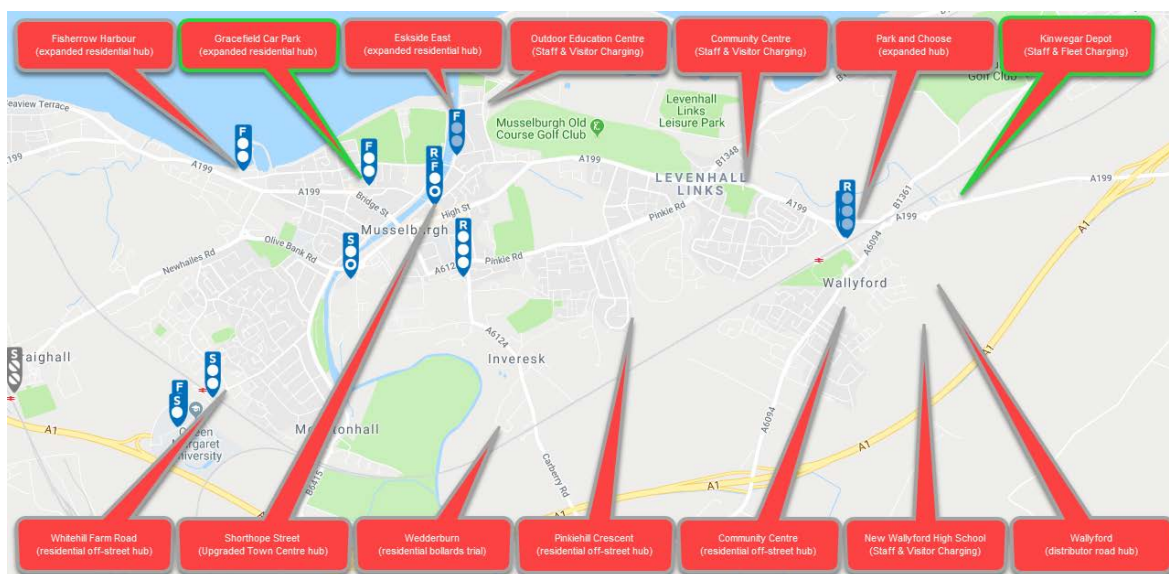


Figure 6: Proposals additional chargepoints in Musselburgh 2023



Figure 7: Proposals additional chargepoints in Tranent 2023

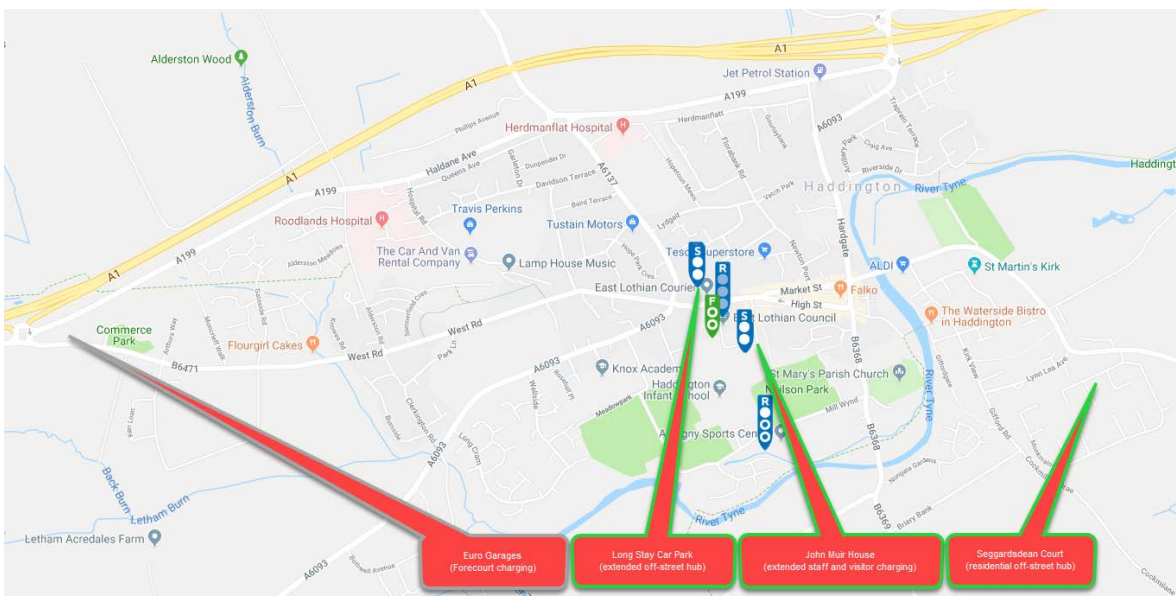


Figure 8: Proposals additional chargepoints in Haddington 2023



Figure 9: Proposals additional chargepoints in Prestonpans 2023



Figure 10: Proposals additional chargepoints in Dunbar 2023



Figure 11: Proposals additional chargepoints in North Berwick

We have been encouraged by the Transport Scotland to submit a bid to the Switched On Towns and Cities Challenge Fund Round 2 to enable us to fulfil these recommendations for the ‘urban conurbation’ in the west of the county including Musselburgh, Wallyford, Tranent, Prestonpans, Cockenzie & Port Seton. This is expected to amount to around £0.7m.

A further £0.8m of supporting projects have also been identified and may be included in the bid. These include:

- Integration with housing micro generation projects,
- Commercialised opportunities with partners e.g. ConnectedKerb, Engenie
- Significant workplace charging schemes,
- Further pathfinder fleet electrification projects (including induction charging)
- In-depth fleet feasibility study on ELC fleet electrification.

This fund opens at the end of 2019. In the meantime, a sum of around £200k annually is expected to be available from the Transport Scotland’s Local Authority Infrastructure Fund (LAIP) for the next few years, and there are ongoing opportunities to match this with OLEV’s On-street Residential Chargepoint and Workplace Charging Schemes.

- £100,000 from OLEV ORCS as match funding for £33,000 of CPS LAIP, annually
- £10,000 from OLEV WCS as match funding for 3k of CPS LAIP
- £25,000 from EST workplace as match funding for £25k CPS LAIP

The criteria for these funds all make allowance for us to include the staff costs of managing these projects.

In conclusion, LAIP grants are expected to form the core of our funding and unlock further grants from OLEV and EST but for security, we will be seeking additional

funding from, for example:

- Scottish Power Energy Networks Green Economy Fund Round 3 (up to £20M)
- Scottish Futures Trust (no investigated yet)

We will also explore commercialisation opportunities.

Growing our infrastructure early will put us in a good position to generate a surplus via Charging for Charging in FY20/21, which may subsequently allow us to grow our infrastructure at a faster rate beyond 2023, at whatever rate EV uptake follows

Appendix 6: Planning Policy and EVs

Local Development Plan 2018: Policy T31: Electric Car & Bus Charging Points states that *“The Council will encourage and support the principle of introducing electric vehicle charging points around both existing and proposed community facilities such as schools and retail areas, including from developers as part of new developments that contain such facilities or areas.”*

Considering the rate of change being set by the Scottish Government necessary to address wider environmental and energy pressures, we believe this policy should be extended to support the provision of chargepoints in new residential developments /employment sites /re-development sites. It would also be appropriate to have guidelines for new on-street chargepoints in conservation areas, which also require planning permission.

The current view of the planning Authority is that the Main Issues Report (MIR2) for the Local Development Plan (LDP2) is expected in late autumn followed by a proposed plan mid-2020.

It was hoped that advice and specification for electric charge points appropriate for residential areas could have been included in the revised Supplementary Planning Guidance on Design Standards for New Residential Areas. However, supplementary guidance adopted and issued under section 22(1) of the Town and Country Planning (Scotland) Act 1997 (in connection with a particular local development plan), may only deal with the provision of further information or detail in respect of the policies or proposals set out in the plan and then *only provided that those are matters which are expressly identified in a statement contained in the plan as matters which are to be dealt with in supplementary guidance.*

Opportunities to prepare requisite planning policy and technical guidance will have to be explored in LDP2 and associated supplementary planning guidance.

Collation of Evidence

In order to support inclusion of a requirement for EV chargepoints in the updated Local Development Plan we will look to develop:

- Case study: Housing development (ELC council housing or development elsewhere)
- Case Study: Employment site (ELC schools e.g. North Berwick)
- Document the clear benefits of non-polluting vehicles on our streets
- Support from councillors.

In the meantime, road services are starting to develop the following policy suggestions:

New Residential developments

Road Services will seek to implement a policy of the installation of at least one dedicated EV charging space per dwelling. This is to ensure sufficient capacity for 100% EV uptake. This could be in a private driveway or separate parking space, and should be maintained privately by residents or a factor. The charging apparatus should not be on the adopted road or footway.

Additional public and visitor parking (on the adopted road) does not require a chargepoint.

Slow charging is sufficient as it is expected that residents will charge their vehicles overnight. Multiple low-powered chargepoints are considered to be more practical than the installation of fewer high-power chargepoints which would require monitoring of their use to ensure turnover of vehicles.

Additionally, on larger residential developments (more than 49 units) the requirement for passive provision for a Journey chargepoint (to provide for emergencies and top-ups) will be assessed by Road Services. A contribution towards the purchase and installation of the chargepoint by the local authority may be requested from the developer. The chargepoint may be adopted by ELC.

Council Housing Developments

The requirement for one EV chargepoint per dwelling will remain, but where the parking courtyards will be maintained by Amenity Services (rather than a private factor), then Road Services would look to install, adopt and maintain the chargepoints alongside our public chargepoints. Further, assessment for the integration of chargers into metered street lighting apparatus will be explored.

Other New Developments

In other new developments, we expect either:

- 1) One chargepoint on 100% of parking bays (at any power rating);

OR

- 2) One accessible Journey chargepoint per 10 parking spaces. This will not count towards the overall parking supply. Provision should be made for monitoring use to ensure sufficient turnover of vehicles;

OR

- 3) A mix of the above to be agreed on discussion with officers.

Multiple slow chargers are recommended for locations where vehicles park all day e.g. offices, but high power chargepoints are more appropriate where short-stay visitors are expected.

Electricity supply

Developers should engage with electricity providers to ensure that the entire electricity supply infrastructure will have sufficient capacity to enable all chargepoints (once installed) to operate simultaneously. The developer will be required to meet the costs of any upgrades needed. Large developments with dedicated electricity sub-stations should specify the sub-station to a sufficient capacity to fully cater for all EV charging requirements.

Accessing chargepoints

Tariffs for electricity from private chargepoints should be set at an appropriate rate. Private chargepoints which are publicly available should be added to the ChargePlace Scotland network, or be capable of pay-as-you-go transactions.

Adoption and maintenance of chargepoints

ELC Road Services will consider adopting new chargepoints on the public road network, if they are in line with our requirements.

Specifications for Equipment/ Bays/ Signage that are proposed to be adopted by the Council for maintenance, as well as Expected Installation and Adoption dates will have to be discussed and approved by ELC Road Services during the Road Construction Consent process. In considering the adoption of chargepoints, care

must be taken on the age and warranty of the unit and if it is in the interest of the general public to adopt the unit.

Appendix 7: EV Tariffs

A condition of the earlier Transport Scotland grant funding for the early EV chargepoints was that they were free at point of use. This condition has now been removed and we, like other councils, are considering introducing a charging regime.

Our Parking Management Strategy (as part of the Local Transport Strategy) introduced *Parking Policy 17: The Council will review the 'free at point of use' electric vehicle chargepoint policy, at regular intervals.*

In 2017 the Council had 7 operational chargepoints that over a 12-month period incurred electrical charges of £9,850. An increase to 43 public chargepoints suggests a potential bill of £60,507 per year, if usage remains proportional. Additionally there are costs associated with maintenance and back office services. This document summarises our review, and it is anticipated a charging regime could be introduced in late 2019.

Only 2 Local Authorities in Scotland have introduced charges for electricity from public chargepoints. These are:

- Moray Council – flat rate of £3.80 per charge, whether regardless of power supplied
- Dumfries and Galloway Council – 25p per kWh for Journey (Rapid) charging, 10p per kWh otherwise

In addition, particularly in England which does not enjoy the support of Transport Scotland funding, there are the commercial chargepoint networks:

- Ecotricity/ Electric Highway – 30p per kWh
- Chargemaster Polar Network – Membership of £7.95 per month, plus 9p per kWh

The commercial networks almost exclusively provide Journey (Rapid) chargepoints.

The Journey chargers are significantly (4 times) more expensive to purchase and install, and current statistics imply they are also more attractive to users, therefore a differential pricing regime appears sensible.

The Electric Vehicle Association Scotland has consulted extensively with its members (EV owners) over the last few years on the principal of charging for charging. Their report, published in 2018, states *“EVA Scotland is supportive of the introduction of billing for charging, to ensure that each post host is able to support and maintain the service offered, but also to encourage best practice amongst users at charge points, facilitating all journeys. We support practices that encourage appropriate behaviours that maximise utilisation and availability of the charge points.”*

We intend to distinguish between Journey and slower chargers. Spaces at slower chargers will be parking spaces where people will leave their vehicles overnight or for long periods. We want to encourage people who do not have access to private parking to use these to regularly charge their EV, and as such will keep the pricing comparable to domestic tariffs. However, we must also take into account how to foster an environment where commercial operators are happy to invest in the

mature network. As such, we do not wish to undercut the commercial price structures, and therefore the pricing for Journey charges will be more in line with these. We propose to introduce the following tariffs:

- 30p per kWh for Journey chargepoints (over 43kW)
- 16p per kWh for all slower chargepoints
- An overstay charge to discourage abuse of the charging spaces
- A minimum charge of £1 per session, which would be waived if the session is interrupted

It is important to ensure that it remains cheaper for EV drivers to charge their vehicles at home (currently 2-4p per mile, depending on tariff), in order to reduce the pressure on the public charging network.

Our charging proposals equate to prices from 5p per mile for Journey charges and 3p per mile for slower charges, which compares well with average costs for conventionally fuelled vehicles of 15p per mile⁵.

A further consideration is the demand on the electricity network. Electricity suppliers are comfortable that there is enough capacity in the grid to support EV charging, as long as this is not all undertaken at peak times. In order to satisfy peak time demand, additional power sources such as nuclear and gas are often brought on stream. To spread the load, and to support the use of low carbon sources of electricity, we are proposing a surcharge of 50p per charge to connect to an EV chargepoint from 4-7pm.

We have assumed that at a minimum we have to cover the costs of:

- Electricity
- Metering and Administration (Chargeplace Scotland) Fees
- Maintenance of bollards, signage and road markings

Currently chargepoint maintenance is covered by the warranty for the first 5 years, and new units and staff management time will be funded by Transport Scotland for the next year. However, we may need to increase charges in future to cover:

- Ongoing maintenance of chargepoints
- Staff time to maintain, promote and expand the network
- Eventual replacement of chargepoints

We have run three scenarios to test for potential income generated by ELC following the introduction of the suggested tariffs.

Scenario 1 assumes no increase in the number of charging sessions. In this scenario we expect drivers who currently charge at the free public chargepoints to now charge at home and only new EV owners without alternative places to charge will use the public chargepoints.

Scenario 2 assumes that the number of charging sessions per vehicle remains constant, and therefore the number of sessions will increase with the number of vehicles. We expect to be moving towards our ambition of 15% of vehicles being EVs by 2023.

Scenario 3 assumes the number of charging sessions per chargepoint remains constant (and therefore the total number of charging sessions increases due to the

⁵ Figure from Energy Saving Trust Insight and Analytics Team

increased number of chargepoints).

	Surplus
Scenario 1: total chargepoint sessions same as 2018	£7k
Scenario 2: same number of sessions per EV as 2018 (1% EVs in 2019)	£36k
Scenario 3: same number of sessions per chargepoint as 2018	£32k

The number of assumptions included in this analysis are significant, and all numbers should be understood as estimates.

Any surplus from the charging tariffs will be used to cover ongoing costs of maintenance, staff and unit replacement once grant funding is no longer available, and we will adjust pricing once we have the data to monitor the impact of cost on charging behaviour. There may also be additional income not accounted for here, from the imposition of overstay and minimum charges.

While we are not expecting any losses, should these happen in practice, these should be seen in the context of subsidising the switch to lower emission vehicles, and we would expect to increase our promotional efforts accordingly.

All the scenarios assume that users still have a preference towards using Rapids as is currently the case. However, this is unlikely as some will switch to the lower priced chargepoints, but we have no means of gauging how many.

The most likely scenario is that the number of charging sessions will remain fairly constant for the next few years after an initial drop in use as people with the facility to charge at home start to do so once the public network is no longer cost-free.

The new chargepoint network will instil confidence in the market and more people will buy EVs as a result, but most people are expected to charge at home most of the time.

Other options for the future of the network include handing it over to a commercial operator once the market is mature.

Appendix 8 – Electric Vehicle Chargepoint Asset Status

EV CHARGING POINT STATUS

Quantity & Type

Standard 7kW AC Destination Chargers:	9
Fast 22kW AC Destination Chargers:	23
Rapid 50kW DC Journey Chargers:	13
Total synchronous sessions possible:	90

8 older chargers were replaced in FY18/19.

Condition

All chargers are annually inspected & serviced (Q1, 2019), covered by warranty and maintenance packages and therefore maintained in a very high condition.

Age (years):	>4	2	1	Total
7kW AC:	0	0	9	9
22kW AC:	0	3	20	23
50kW DC:	3	1	9	13
Total:	3	4	38	45

All chargers are constructed to remain in a safe, operable condition for a minimum of 10 years as a condition of the 100% Grant Funding used.

Condition Band Descriptions

- Condition 1 – As New: All
- Condition 2 – Aesthetically Impaired: None
- Condition 3 – Minor Deterioration: None
- Condition 4 – Major Deterioration: None

Valuation & Investment

The Gross Replacement Cost is £816,000.

No RAMP methodology exists for calculating EVCP Depreciation Values. However, It is expected that our simple, reliable 7-22kW AC Destination chargers (the bulk of our assets) will remain attractive and economical to maintain after the initial 10 year period whereas alternative 50-150kW Forecourt Chargers are expected to be available in sufficient quantities to remove the demand for ELC to maintain our existing 50kW DC Journey chargers at the end of their expected useful service life of 10 years. Very few additional 50kW DC chargers are therefore planned.



7-22kW AC Destination Charger



Rapid 50kW DC Journey Charger



Charging Hub within Conservation Area

REPORT TO: Cabinet

MEETING DATE: 10 September 2019

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Various Roads – East Lothian, Introduction and Amendments to Traffic Regulation Orders 2019

1 PURPOSE

- 1.1 To seek Cabinet approval to start the statutory procedures necessary to introduce and amend various Traffic Regulation Orders to prohibit waiting, loading and unloading, introduce new speed limits and to ban and permit various types of vehicular traffic.

2 RECOMMENDATIONS

- 2.1 That Cabinet approve the initiation of the statutory procedure necessary to introduce and amend Traffic Regulation Orders in accordance with 'The Local Authorities (Procedures) (Scotland) Regulations 1999 and such introduction and amendments that are in force in respect of locations and proposals listed in Appendix A & B

3 BACKGROUND

- 3.1 East Lothian Council as Local Traffic Authority is responsible for the making or amending Traffic Regulation Orders as necessary; to avert danger to road users; to aid free unrestricted movement on the road; to prevent inappropriate use of the road and/or adjoining property and to improve the amenity of the area.
- 3.2 Following the successful introduction of decriminalised parking enforcement and the consolidation of Traffic Regulation Orders a review of restrictions has highlighted several areas that require amendment / introduction. Details are provided in Appendix A
- 3.3 In association with Planning Ref No. 16/00062/LDP, Housing at Windygoul South, Walker Group have requested that the existing 30mph speed limit

on the B6371, Tranent be extended to cover the frontage of the new Housing Development and a new 40mph buffer speed limit be introduced. Appendix B

- 3.4 In association with Planning Ref No. 15/00011/PAN, Land adjacent to Orchardfield, Stewart Milne Homes have requested the existing 30mph speed limit on the B1407 be extended to cover the frontage of the new Housing Development. Appendix B
- 3.5 In association with Planning Ref No. 17/00954/P, Land adjacent to Roselea Cottage, formation of an eco accommodation site with shop, Zest Building Services have requested a 40mph buffer speed limit on the A6093 west of Pencaitland. Appendix B
- 3.6 Extend the existing 30mph speed restriction westwards to the oak tree / A199 junction due to new Housing Developments and proposed Commercial Premises. Appendix B
- 3.7 Police Scotland will be fully consulted on the introduction of all of these proposals/regulations

4 POLICY IMPLICATIONS

- 4.1 None

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy

6 RESOURCE IMPLICATIONS

- 6.1 Financial – All costs involved in connection with consultation, advertising, design and implementation associated with the making of these Orders can be accommodated within the Roads revenue budget.
- 6.2 Personnel - None
- 6.3 Other – None

AUTHOR'S NAME	Peter Forsyth
DESIGNATION	Roads Asset and Regulatory Manager
CONTACT INFO	Grant Talac or Keith Scott
DATE	26 th August 2019

Appendix A		
The Amendments of the Prohibition and Restriction waiting, loading and unloading at Various Streets, Traffic Regulation Orders		
No.	Location	Description
1	Court Street, Haddington	Remove Schedule 1 double yellows and replace with Schedule 2 double yellows
2	Junction Haldane Ave & Hospital Road	Introduce double yellows around junction in interests of road safety
3	East Lothian, Rail Stations	Introduce parking restrictions in station car parks to control indiscriminate parking in the interests of road safety. We have permission from Scotrail to take this forward as necessary.
4	Junction Aberlady Road, Hopetoun Drive, Haddington	Introduce double yellows around junction in interests of road safety
5	East Loan / Harlaw Hill Gdns, Prestonpans	Introduce school time yellow lines in the Interests of Road Safety
6	Chuckers Row, Wallyford	Introduce double yellows around junction in interests of road safety
7	Melbourne Rd, North Berwick	Introduce New Disabled Bays
8	56 Warrender Crescent, Dunbar	Double Yellow Lines along frontage of new nursery and towards No.48 (bend) in interests of road safety
9	Jim Bush Drive, Prestonpans	Double Yellow lines at junctions and central islands in interests of road safety
10	Newhailes Industrial Estate Access Road, Musselburgh	Introduce parking restrictions to control indiscriminate parking in the interests of road safety.
11	Opposite 16 Muirpark Road, Tranent	Double Yellow lines at junctions in interests of road safety

12	At the former Bus Stop, Quality Street, North Berwick	Introduce Single yellow / loading bay / 90 minutes to improve existing situation.
13	Nielson Park Road, Haddington	Make disabled bay in Kings Meadow Car Park enforceable to stop indiscriminate parking
14	Whitehill Avenue, Musselburgh (Entrance to Square)	Double Yellow lines at junctions in interests of road safety
15	Melbourne Place, North Berwick	Change existing single yellow restrictions to double yellows to stop long right turning vehicles from being obstructed
16	Imperial Car Park, North Berwick	Introduce double yellows on through road to control indiscriminate parking in the interests of road safety.
17	Edinburgh Rd / West Harbour Rd, Cockenzie	Double Yellow lines at junctions in interests of road safety
18	Alderston Gardens, Haddington	Double Yellow lines at junctions in interests of road safety
19	The Heugh, North Berwick	Mix of Restrictions to control Indiscriminate parking outside Industrial Estate
20	Various Locations – Electric Vehicle Charging points	Introduce timed waiting /charging restrictions at existing and new locations
21	Rosehall Court, Haddington	Double Yellow lines at junction in interests of road safety
22	9 – 12 Church Street, Haddington	Introduce disabled parking space for Wee Red Cycles

Appendix B		
Speed Limits		
No.	location	Description
1	B6371, Tranent	Extend 30mph southwards and introduce new 40mph buffer
2	Orchardfield, East Linton	Extend 30mph speed limit in accordance with planning application
3	A6093, Pencaitland	New 40mph Speed limit as per Planning Application
4	B6471, Haddington	Extend 30mph to Oak Tree A199 junction

REPORT TO: Cabinet

MEETING DATE: 10 September 2019

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: City of Edinburgh Low Emission Zone Consultation

8

1 PURPOSE

- 1.1 The purpose of the report is to advise Members of the proposed response to the City of Edinburgh Council (CEC) on their consultation on the introduction of Low Emission Zones (LEZ) in Edinburgh.

2 RECOMMENDATIONS

- 2.1 Members are asked to endorse the proposed response to the City of Edinburgh's consultation exercise.
- 2.2 Members are asked to consider the wider implications of the proposal in respect of the Scottish Government's and East Lothian Council's declaration of a 'Climate Emergency'.
- 2.3 Members are asked to consider the objectives of East Lothian Climate Change Strategy (in preparation) to reduce carbon emissions in all services areas and that the introduction of a LEZ will benefit overall carbon reduction.
- 2.4 Members are asked to support the general principles of the City of Edinburgh's proposed LEZ subject to the following conditions:
- East Lothian Council seeks to work collaboratively with City of Edinburgh Council to develop appropriate lining and signing arrangements associated with the LEZ designs that will bound East Lothian in the interests of road safety and to ensure that the interests of both parties are met;
 - East Lothian Council seeks to work with CEC on the making of exemptions and potential interventions to mitigate the impacts of the LEZ in East Lothian in particular through Musselburgh, Wallyford, Prestonpans and Tranent;

- East Lothian Council opposes the proposal to allow a longer grace period for Edinburgh residents as this does not consider all users equally and therefore is unfair;
- East Lothian Council will investigate a collaborative arrangement with the City of Edinburgh to include Musselburgh within the Low Emission Zone.

3 BACKGROUND

- 3.1 The Scottish Government introduced the Transport (Scotland) Bill by the Cabinet Secretary for Finance and Constitution, Derek Mackay MSP, on 8th June 2018. The Bill is divided into six parts, Part 1 introducing the concept of Low Emission Zones.
- 3.2 A Low Emission Zone is a scheme whereby driven vehicles that fail to meet a specified standard will be prohibited from driving within a designated area. A person who permits a vehicle that does not meet the criteria, to enter the zone will receive a penalty charge notice (PCN), which will be payable unless a vehicle exemption is in place.
- 3.3 The Transport (Scotland) Bill is currently going through Parliament. It is anticipated that the Bill and associated regulations will be finalised early in 2020.
- 3.3.1 The general provisions of the bill requires the setting up of a zone, (Appendix A) subsequently designating all roads therein to require all vehicles to meet the emission standards. All petrol engine vehicles will have to meet Euro 4 standards – required for vehicles sold after January 2006. Diesel cars will have to meet Euro 6 standards required for diesel cars sold after September 2015. Heavy diesel vehicles will need to meet Euro 6 standards generally those registered with the DVLA after 2014.
- 3.4 Under section 4, two or more Local Authorities can join together to create a joint scheme. However, a scheme must be approved by the Scottish Ministers before it can be made.
- 3.5 The Bill provides for a grace period for residents and for non-residents. A longer time is allowed for residents of the zone. Eligible residents must be resident to the zone with the vehicle registered at their home address in the zone.
- 3.6 The scheme can make provision for the introduction of exemptions for particular vehicles or types of vehicles. Before a scheme includes an exemption, the Authority must justify the reasons for making such an exemption. In this regard a time based exemption may be appropriate to allow night shift workers to proceed through the zone where inadequate public transport services exist. The precise detail of the exemption will be set out by the local authority. The default position will be that the scheme operates 24 hours a day.

- 3.7 Income received by the Local Authority must be applied to the operation of the scheme, implementing any identified relevant mitigation measures and to achieve the objectives of the scheme. Any additional surplus can be applied to repayment of any grant funding received by the Scottish Ministers in setting up the scheme.
- 3.7 It is anticipated the scheme will impact up to 2000 driven vehicles daily from East Lothian entering the city centre zone. The impact on commercial vehicles entering the wider city zone is unknown at this time. Detailed information of the analysis and impacts are provided in the accompanying Members' library report.

4 POLICY IMPLICATIONS

- 4.1 These proposals will contribute towards The East Lothian Plan – 2017-27 focusing on health and wellbeing, safety, transport connectivity, sustainability and protecting our environment.
- 4.2 This proposal will contribute to the Local Outcome Improvement Plan to deliver a high quality environment and that people in East Lothian are enjoying healthier lives.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The introduction of LEZs in Edinburgh will likely affect the wellbeing of East Lothian community or have a significant impact on equality, the environment or economy and an Integrated Impact Assessment (IIA) will need to be undertaken.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – The introduction of Low Emission Zones (LEZs) in Edinburgh will have a financial impact on East Lothian Council. A more detail report will be required once more details of the LEZ and timings of Grace periods are confirmed.

7 BACKGROUND PAPERS

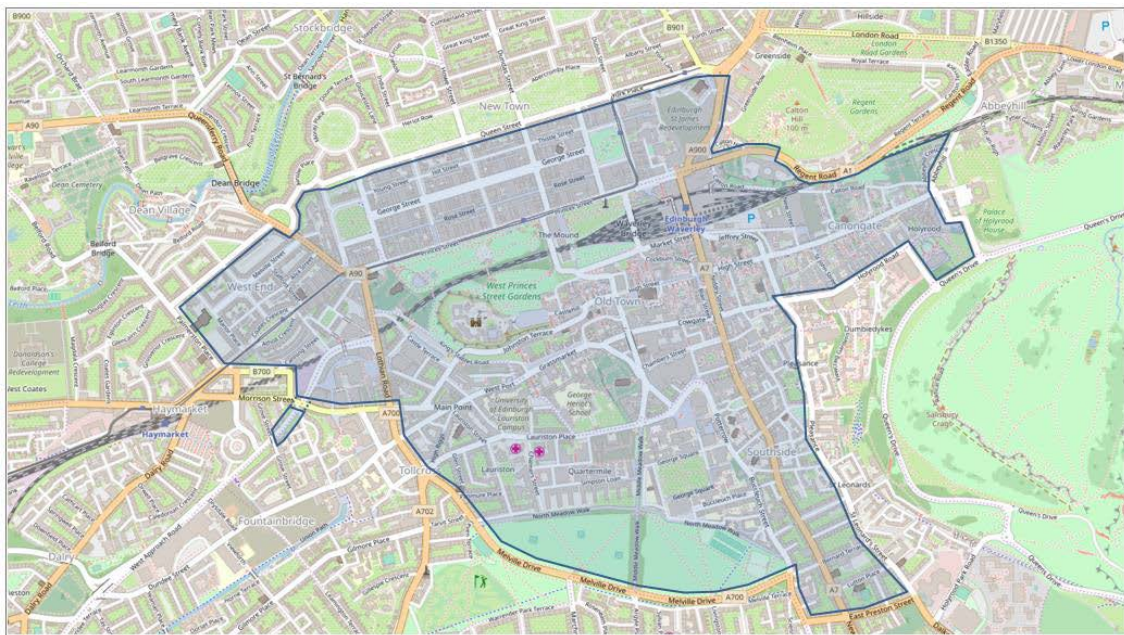
- 7.1 Members' library report. Analysis of implication of City of Edinburgh Low Emission Zone Consultation

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DATE	26/8/19

Appendix A

LOW EMISSION ZONE PROPOSED BOUNDARIES

Map 1 – City Centre Low Emission Zone Boundary



Map 2 – City-wide Low Emission Zone Boundary



REPORT TO: Cabinet

MEETING DATE: 10 September 2019

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Freedom of Information (Scotland) Act 2002 and Data Protection Act 1998/2018 – Compliance Statistics in 2018

9

1 PURPOSE

- 1.1 To report on the Council's compliance with the 20 working day timescale laid down by the Freedom of Information (Scotland) Act 2002 for the calendar year 2018 (i.e.: from 1 January 2018 to 31 December 2018).
- 1.2 To report on the Council's compliance with the 40 calendar day timescale laid down by the Data Protection Act 1998 and, with effect from 25 May 2018, the Council's compliance with the one month timescale laid down by the Data Protection Act 2018 for the calendar year 2018 (i.e.: from 1 January 2018 to 31 December 2018).

2 RECOMMENDATIONS

- 2.1 Cabinet is asked to note the report and for Members to provide feedback on the compliance statistics.

3 BACKGROUND

- 3.1 **Freedom of Information (Scotland) Act 2002** - During 2018, East Lothian Council operated in accordance with the statutory requirements, particularly:

Requests for information – to be answered within 20 working days

Requests for review – to be answered within 20 working days by a Chief Officer or an officer nominated by them.

If requesters remained dissatisfied after completing this process, then they had a legal right to appeal to the Scottish Information Commissioner.

3.2 Freedom of Information (FOI) statistics are recorded by People and Governance (previously Licensing, Administration and Democratic Services). Guidance on how to handle information requests, and requests for review, is published on the Council's intranet, accessible to all employees.

3.3 The total number of FOI requests in 2018 was 1,448. By way of comparison, 1,427 requests were received during the previous calendar year, 2017. An increase of 21. Overall, numbers of FOI requests have been increasing steadily since the Freedom of Information (Scotland) Act 2002 came into force.

This figure includes information requests processed under the Environmental Information (Scotland) Regulations 2004 (EIR). A split of the FOI and EIR requests is provided at 3.5 of this report.

3.4 The total number of requests for review received in 2018 was 87. By way of comparison, 19 review requests were received during the previous calendar year, 2017. An increase of 68.

This figure includes reviews processed under the Environmental Information (Scotland) Regulations 2004 (EIR). A split of the FOI and EIR reviews is provided at 3.6 of this report.

3.5 Since January 2013, the recording system used has distinguished between FOI requests and requests falling within the Environmental Information (Scotland) Regulations 2004 (EIR). The table below provides a breakdown of the response timescales for both FOI and EIR requests in 2018:

	FOI				EIR			
	2018		2017 (for comparison)		2018		2017 (for comparison)	
On time	413	35%	1,038	88%	39	21%	100	78%
Late	752	65%	148	12%	149	79%	28	22%
Cancelled/Withdrawn	23		17		3		2	
Suspended	23		45		5		1	
Invalid	39		45		2		3	
Ongoing	0		0				0	
TOTAL ACTIONED	1,250		1,293		198		134	

The Scottish Information Commissioner is responsible for enforcing Scotland's Freedom of Information laws. In October 2018 the Scottish Information Commissioner decided to intervene in respect of the deterioration in the Council's compliance with statutory timescales.

Special measures were put in place and we can report that performance has significantly improved as a result. In July 2019, the Scottish Information Commissioner notified the Council that his intervention would cease as there has been a significant improvement in performance achieved through delivery of the Council's own action plan. This included increased staff resource, more active monitoring of the caseload, chasing service areas for the information, FOI training and staff absence cover arrangements. There has been a noticeable turnaround as a result and currently all requests are being responded to within timescales. The compliance statistics for 2019 will demonstrate this improvement when reported in due course.

3.6 The table below provides a breakdown of the response timescales for FOI and EIR requests for review in 2018:

	FOI				EIR			
	2018		2017 (for comparison)		2018		2017 (for comparison)	
On time: Within 20 Working Days	46	69%	14	82%	15	75%	0	0%
Late	21	31%	3	18%	5	25%	1	100%
Upheld	9		10		2		0	
Partially Upheld	0		2		0		0	
Overtuned	56		4		18		1	
Additional Info Provided	1		1		0		0	
Invalid	1		1		0		0	
Still Outstanding	0		0		0		0	
Total Actioned	67		18		20		1	

The increase in requests for review can mainly be attributed to the deterioration in the Council's compliance with statutory timescales. If an applicant contacted the Council to chase up a late response, the Council was obliged to treat it as a request for review.

3.7 The top three categories of enquirer in 2018 were:

- 1) General Public (44%)
- 2) Commercial Organisations (24%)
- 3) Journalists (14%)

3.8 **Data Protection Act 1998** – until 24 May 2018, East Lothian Council operates in accordance with the statutory requirements, particularly:

Requests for personal information ("Subject Access Requests") – to be answered within 40 calendar days

Data Protection Act 2018 (GDPR) – with effect from 25 May 2018, East Lothian Council operates in accordance with the statutory requirements, particularly:

Requests for personal information (“Subject Access Requests”) – to be answered within one month

- 3.9 Data Protection (DP) statistics are recorded by People and Governance (previously Licensing, Administration and Democratic Services). Guidance on how to handle requests for personal information (“Subject Access Requests”) is published on the Council’s intranet, accessible to all employees.
- 3.10 The total number of DP “Subject Access Requests” received in 2018 was 79. By way of comparison, 85 requests were received during the previous calendar year, 2017.

	2018		2017 (for comparison)	
Completed on time (within 40 calendar days)	8	58%	42	79%
Completed on time (within one month)	27			
Late	25	42%	11	21%
Suspended	19		32	
Withdrawn	0		0	
Ongoing	0		0	
Total Actioned	79		85	

4 POLICY IMPLICATIONS

- 4.1 None.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - None
- 6.2 Personnel - None
- 6.3 Other – None

7 BACKGROUND PAPERS

- 7.1 None

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DATE	29/08/2019

REPORT TO: Cabinet

MEETING DATE: 10 September 2019

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Deferring Entry to Primary One

10

1 PURPOSE

The purpose of this report is to:

- I. inform the Council of the national guidance on deferring entry to primary one as outlined in The Standards in Scotland's Schools etc. Act 2000, Children and Young People (Scotland) Act 2014 and the Association of Directors of Education Services Pre-fives Sub Committee – Guidance on Deferrals to Primary School Education; and
- II. provide an overview of deferring entry to primary one procedures within East Lothian.

2 RECOMMENDATIONS

2.1 The Council is asked to:

- i. note the contents of the report.
- ii. agree that the Education and Children's Service intends to review the East Lothian guidance on deferring entry to primary school as part of the ongoing review of all education related policies and guidance after full implementation of the 1140 hours Early Learning and Childcare for all 3 and 4 year olds. An Integrated Impact Assessment will be carried out when reviewing the guidelines.

3 BACKGROUND

3.1 The Standards in Scotland's Schools etc. Act 2000 imposes a statutory duty on education authorities to secure the provision of pre-school

education for such categories of children as may be prescribed by the Scottish Ministers by order. In addition the Standards in Scotland's Schools etc. Act 2000 (Commencement No 5) Order 2002 and the Provision of School Education for Children under School Age (Prescribed Children)(Scotland) Order 2002 requires all local authorities to secure provision of a free, part-time education place for all three and four year olds. Children become eligible to receive pre-school education in the term following their third birthday. Furthermore, the legislation extended the duty where parents of children with birthdays in January and February who choose to defer their child's entry to primary school would be provided with an additional year of free pre-school education. However, authorities would retain discretion over the provision of additional pre-school funding for children with September to December birthdays.

- 3.2 Following a report by the ADES Deferrals Working Group set up by the Scottish Government new arrangements came into force from the start of the school year 2001/2002. Where children have birthdays between September and December local authorities shall continue to have discretion over making additional pre -school provision if their entry into primary school is deferred i.e. such children will not be able to claim Early Learning and Childcare funding when deferring entry to Primary 1.
- 3.3 The Children and Young People (Scotland) Act 2014 imposes the duty to secure provision of early learning and childcare and that in pursuance of its duty secure that the mandatory amount of early learning and childcare is made available for each eligible pre-school child belonging to its area. The current mandatory amount is 600hrs. Authorities still retain discretion over the provision of additional pre-school funding for children with September to December birthdays.
- 3.4 East Lothian Council reviewed its Deferred Entry Guidelines for Staff and Parents, for August 2019, to ensure transparency and rigor throughout the process and a training session was provided for all Early Learning and Childcare settings.
- 3.5 Where a deferred year is being considered the guidance to schools advises that the focus will be on the key aspects of the child's development and learning. There should be ongoing, recorded observations and assessment of children during the Early Learning and Childcare (ELC) year and discussions held with parents. Activities can be planned to develop the child's knowledge and skills in any identified areas of concern and transition records should reflect all aspects of the child's learning and development. Communication should take place between the ELC setting and the child's catchment primary school to identify supports available to meet the child's needs in both settings.
- 3.6 By the time children reach the age of 4 or 5, there are already differences in each child's development, learning and levels of independence. Schools are very experienced in supporting these differences through the individualised planning to meet learners needs delivered within the context of Curriculum for Excellence.

- 3.7 When considering requests to defer entry into primary school and, therefore, to support an Early Learning and Childcare placement, account is taken of the evidence supplied by the parents and nursery alongside the following:
- Approach and attitude to learning
 - Ability to communicate own needs, feeling and ideas
 - Levels of independence and self help
 - Emotional and personal development, including self-confidence and esteem
 - Relationships and friendships with other children and adults in regards to the criteria
- 3.8 Requests for a further year of Early Learning and Childcare (ELC) for children with birthdays between the first day of the school and end of February will be considered by the ELC Panel. The Panel consists of 3 members of staff, Quality Improvement Officer, Educational Psychologist and Early Years Outreach Teacher.
- 3.9 Where parents disagree with the outcome of the ELC Panel a further moderation of their application will be considered. Those participating in the further moderation will not have been involved with the initial decision.

4 POLICY IMPLICATIONS

The Education Service intends to review the East Lothian deferred entry to primary one guidance for education staff after full implementation of the 1140hrs of Early Learning and Childcare for all 3 and 4 year olds. An Integrated Impact Assessment will be carried out when reviewing the guidelines.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – none associated with this report
- 6.2 Personnel - none associated with this report

7 BACKGROUND PAPERS

- 7.1 Children & Young People (Scotland) Act 2014
- 7.2 Standard in Scotland's Schools etc Act 2000 – Section 34 Guidance on Pre-school education
- 7.3 ADES Pre Fives Sub Committee

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