



MINUTES OF THE MEETING OF THE CABINET

TUESDAY 10 SEPTEMBER 2019
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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Committee Members Present:

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

Other Councillors Present:

Councillor L Bruce
Councillor F Dugdale
Councillor A Forrest
Councillor J Henderson
Councillor C Hoy
Councillor K Mackie
Councillor J Williamson

Council Officials Present:

Mrs A Leitch, Chief Executive
Mr A McCrorie, Depute Chief Executive – Resources and People Services
Ms F Robertson, Head of Education and Children's Services
Mr T Reid, Head of Infrastructure
Mr D Proudfoot, Head of Development
Ms S Fortune, Chief Operating Officer (Finance)
Mr C Grilli, Service Manager – Legal and Procurement
Mr P Vestri, Service Manager – Corporate Policy and Improvement
Mr D Oliver, Service Manager – Protective Services
Mr J Coutts, Service Manager – Community Housing and Homelessness
Ms K MacNeill, Service Manager – People and Governance
Mr A Stubbs, Service Manager – Roads
Ms N Sandford, Team Manager – Housing Options
Mr P Forsyth, Team Manager – Roads Asset and Regulatory
Mr S Cooper, Team Manager – Communications
Ms W McGuire, Team Leader (Strategy and Development)
Ms L Small, Senior Prevention Officer (Homelessness)
Ms J Lothian, Sustainable Energy & Climate Change Officer
Ms R Spillane, Policy Officer
Ms M Haddow, Transportation Planning Officer
Mr R Robertson, Roads Officer
Mr S Kennedy, Emergency Planning, Risk and Resilience Officer
Ms B Crichton, Committees Officer

Clerk:

Ms A Smith

Apologies:

Councillor W Innes

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – CABINET 14 MAY 2019

The minutes of the meeting of the Cabinet of 14 May 2019 were approved.

2. CORPORATE RISK REGISTER 2019

A report was submitted by the Chief Executive presenting the Corporate Risk Register 2019 for discussion, comment and approval.

Scott Kennedy, Emergency Planning, Risk and Resilience Officer presented the report. He gave an explanation of the method used to evaluate risk and outlined the Council's response in relation to adverse risk or its risk appetite. He stated that those risks identified as 'very high' or 'high' would be subject to closer scrutiny by CMT, the Cabinet and the Audit and Governance Committee.

Councillor Henderson, referring to risk CR10 (*failure to maintain a highly skilled workforce*) asked if local authorities were having difficulties retaining profession staff. The Chief Executive, Angela Leitch, referred to the Council's Workforce Plan stating there were some service areas with pressures but the Council Management Team was aware of these and a number of strands of work were in place. She added that the drop in the number of applicants to local authority posts did not only relate to East Lothian Council.

Responding to Councillor O'Donnell's query about planning for food shortages in relation to CR1 (*Brexit*), Derek Oliver, Service Manager – Protective Services advised that this was one of the areas the Brexit Working Group was looking at. The Council's main supplier had indicated high levels of confidence to supply/store food; there were no concerns at present.

Mr Kennedy, replying to Councillor McMillan's query about ensuring that all risks were incorporated into the Risk Register, outlined the process followed to meet this objective.

Councillor McMillan remarked that he had been impressed with the measures taken across the Council to control risk.

Councillor Akhtar stated that part of the role of an Elected Member was to be vigilant about potential risks. She highlighted several key areas including education reform, welfare reform, 1140 hours and Brexit. She stressed that the Council had to continue to lobby the Scottish Government regarding the Revenue Support Grant.

Decision

The Cabinet agreed to approve the Corporate Risk Register and in doing so:

- i. agreed that the relevant risks had been identified;

- ii. agreed that the significance of each risk was appropriate to the current nature of the risk;
- iii. agreed that the total profile of Corporate Risk could be borne by the Council at this time in relation to the Council's appetite for risk;
- iv. recognised that, although while Corporate Risks required close monitoring and scrutiny throughout 2019-20, many were in fact long term risks for the Council that were likely to be a feature of the risk register over a number of years; and,
- v. noted that the Council Management Team would review all risks in the Corporate Risk Register on a regular basis.

3. UPDATE ON EAST LOTHIAN RAPID REHOUSING TRANSITION PLAN 2019/20–2023/24 AND CHANGES TO HOMELESSNESS LEGISLATION

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) advising 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.

Nicky Sandford, Team Manager – Housing Options, presented the report, taking Members through this in detail. She referred to the background to the RRTP and outlined the updated position. She highlighted the financial implications. She advised that actions set out in the draft and second iteration of the RRTP were predicated on the funding request being met in full. A third iteration of the RRTP was being prepared, which would be brought to the next Cabinet. A further complication were the changes to Local Connection and Intentionality provisions, to be introduced in November. Achieving rapid rehousing outcomes was always going to be difficult and this was now heightened for the reasons outlined in the report. She drew attention to paragraph 3.16, informing Members that while it was not mentioned in the report, a recent announcement by the Minister had confirmed the intention to extend the Unsuitable Accommodation Order to all homeless households by May 2021. Ms Sandford stressed that given this recent announcement there was greater urgency for a meeting with the Scottish Government.

Ms Sandford responded to a series of questions. In relation to Councillor Goodfellow's query about resources, she advised that the Scottish Government had provided £40,000 for development of the first draft of the RRTP, no funding had been provided for the second iteration and officers were now required to prepare a third iteration. The difficulty lay in continual revisions, corresponding funding reductions and legislative changes.

Responding to Councillor Henderson, Ms Sandford stated that South East Scotland was a highly pressurised housing market; she referred to the East Hub Area, a collaboration of neighbouring local authorities, which would continue to lobby the Scottish Government.

In relation to queries from Councillor O'Donnell, she clarified that it would be possible for a family to stay in bed and breakfast accommodation in their local area rather than take up temporary accommodation elsewhere. Responding to further questions about funding percentages received by local authorities, and whether all received the same amount, Ms Sandford outlined the Scottish Government's methodology.

In response to Councillor Akhtar's questions Ms Sandford reported that no cognisance had been taken by the Scottish Government of the needs set out in the Councils RRTP. She gave further details of the RRTP process, funding provision and bids by local authorities.

Councillor Bruce asked if it would be possible for the Council to deliver the Scottish Government's intentions with the lack of funding provision. Ms Sandford indicated it would not be possible to deliver the full ambitions of the RRTP. There were however, some aspects potentially within the Council's control such as changes to policy, practices and the delivery of more collaborative approaches. Douglas Proudfoot, Head of Development, reiterated that the process was very difficult and protracted. He informed Members that the bidding process had been oversubscribed in respect of funds available. Further discussion was urgently required with Ministers as there was a huge mismatch from the ambitions set out in the RRTP and the funding received from the Scottish Government.

Responding to further questions from Councillor Bruce about Local Connection, Ms Sandford gave details of the number of applications received, the likely impact on the Council once this was abolished and household projection figures.

Councillor Goodfellow urged Cabinet to note the concerns of officers; he drew specific attention to the resource implications detailed in the report. He remarked that no one doubted the ambition of the Scottish Government or the Council to deliver on RRTPs but inadequate funding from the Government would make this unmanageable in East Lothian. The Government was not taking cognisance of needs as set out in the Council's RRTP. He highlighted the financial situation. Referring again to the resource implications he stated it was imperative that the Council write to the Scottish Government asking for a meeting to convey concerns; he proposed that this be added to the report recommendations.

Councillor O'Donnell welcomed this proposal, which she seconded. She fully supported the ambitions of the Scottish Government and the Council but the Scottish Government had set the rules and then prevented the Council from delivering. She stressed that homeless families deserved better. The choices the Council would have to make would create further divisions in our society.

Several other Members also gave their support for comments expressed and Councillor Goodfellow's suggestion, including Councillor Henderson, Leader of the Opposition.

The Convener stated that rapid rehousing, without the necessary funding, placed huge pressures on the Council. Legislative changes to Intentionality and Local Connection would make it unworkable. Without available housing stock, it would not be possible to accommodate the numbers of people coming forward. He also supported the additional recommendation.

Decision

The Cabinet agreed:

- i. 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;
- ii. to write to the Scottish Government asking for a meeting to convey the Council's concerns; and
- iii. 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.

4. EAST LoTHIAN COUNCIL'S BRITISH SIGN LANGUAGE PLAN 2018-2024

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) informing Cabinet of the development of East Lothian Council's British Sign Language (BSL) Plan 2018- 2024.

Paolo Vestri, Service Manager – Corporate Policy and Improvement, presented the report. He outlined the background and goals in relation to the BSL Plan. The Plan for East Lothian reflected the ten long-term national goals and set out the actions the Council would take from 2018–2024. He outlined the key areas of work that the core aspects would be applied to. Referring to the policy implications, he detailed the six key core areas of work. He informed Members that the Council had been allocated £11,000 per annum from the Scottish Government to support implementation of the Plan.

Rebecca Spillane, Policy Officer, responded to questions. Councillor Henderson asked if there were sign language courses in East Lothian. Ms Spillane advised this could be done through the Adult Education programme, also through schools; Step Action was the main provider of these courses.

Responding to Councillor Akhtar's query about monitoring and evaluating the large range of activities Ms Spillane advised that this would be done through the Action Plan.

Councillor Williamson referred to a half-day taster course he had taken through Deaf Aid and asked if this could be considered for staff. Ms Spillane advised that existing levels of skill of staff would be checked and it was the intention to upskill staff as required.

In relation to Councillor O'Donnell's query about informing parents, Ms Spillane advised that most school pupils already had their support in place.

Councillor Akhtar welcomed the report and the actions the Council would be taking to promote the use and understanding of BSL across the county.

Decision

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

Sederunt: *Councillor Mackie entered the Chamber*

5. EAST LoTHIAN CHILD POVERTY ACTION REPORT 2019

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) informing the Cabinet of the development of the East Lothian Child Poverty Action Report (CPAR) which outlined key activity to address child poverty across the county.

Mr Vestri presented the report, outlining the background to the CPAR and drawing attention to the policy implications. He stated that a child was considered to be in poverty when they were living in a family with an income below 60% of the UK average after adjusting for family size. Mr Vestri stated the percentage of children in poverty in East Lothian in July-September 2017 was 18.93% (CPAR Appendix 3), but more recent data showed that this had dropped to 17%. He highlighted the Action Plan (Appendix 1) and informed Members of actions already being delivered: free sanitary products were already available in schools

though the Red Box Scheme; and there had been a 50% increase in children entitled to Free School Meals taking part in Active Schools activities.

Responding to questions from Councillor Goodfellow, Mr Vestri reported that a large number of people on Universal Credit were also classed as being in poverty. In relation to whether Housing Benefit was included he thought it was as it was classed as income but he would check and confirm this.

Councillor Hoy, referring to the *Challenges in East Lothian* Section of the CPAR asked whether the 8% increase in demand on Children's Services in 2018/2019 represented a trend set to continue. Mr Vestri advised that this increase related mostly to provision for children with additional support needs, and confirmed this trend was set to continue.

Councillor Akhtar asked what was being done to ensure East Lothian Council's partners were playing a role in addressing child poverty. Mr Vestri advised that East Lothian Council was looking at a partnership approach; a working group had been established to drive forward key areas of the Action Plan.

Councillor O'Donnell advised that the funding of a Family Support Worker had made a significant difference to children's lives in her own Ward. She highlighted the positive impact of Holiday Lunch Clubs and the work done by the Pennypit Community Development Trust, including provision of uniform banks and a café serving free food at weekends. Councillor O'Donnell welcomed the CPAR and commended the commitment of partner organisations.

Councillor Henderson highlighted that area partnerships would be reviewed after five years, and remarked that it would be prudent to explore how support could be targeted at areas most in need.

Councillor Akhtar stressed the need for partner organisations to take a more active role to help reduce child poverty in East Lothian.

The Convener remarked that partnership with community networks would be needed to help reduce child poverty in East Lothian. He commended the work done to support families by the voluntary sector.

Decision

The Cabinet agreed to note the Child Poverty Action Report and endorsed the actions outlined within the Action Plan to address child poverty.

6. UPDATE ON ELECTRIC VEHICLE CHARGING POINT INFRASTRUCTURE AND THE INTRODUCTION OF A TARIFF STRUCTURE

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) advising Members of progress made to date on the installation of electric vehicle chargepoints within East Lothian. The report also described the longer-term vision and funding opportunities available, highlighted the initiatives and projects in development and how the infrastructure was being managed, and introduced a pricing structure for the use of electric vehicle chargepoints.

Peter Forsyth, Team Manager – Roads Asset and Regulatory, presented the report. He drew attention to the appendices, highlighting: the growing number of electric vehicle (EV) chargepoints at locations across East Lothian; and the business case being formed to draw down £1.5m - £2m from the Scottish Government *Switched on Towns and Cities Challenge Fund*, as well as other sources of funding. Mr Forsyth advised that all EV chargepoints were

currently used free of charge; this cost £9850 in 2017, but was predicted to rise to around £61,000 due to the increase in public chargepoint availability. It was therefore proposed that the following charges be implemented: 30p per kWh would apply for Journey (rapid) chargepoints (over 43 kW); 16p per kWh for all slower chargepoints; a minimum charge per session; and an overstay charge capped at £30 to discourage abuse of charging spaces.

Mr Forsyth responded to questions from Members regarding the number of EVs in East Lothian and private sector chargepoint tariffs. He advised that it was difficult to determine how many EVs there were in East Lothian from chargepoint use, as users passed through the area. Tariffs had been established through consultation with a user group and with other local authorities, and benchmarking with private sector chargepoints had been undertaken so that tariffs in East Lothian would be in line with other regions.

Noting that the demand on chargepoints would continue to grow, the Convener asked at what point an overstaying would incur a charge. Mr Forsyth advised that a charge would be incurred at a rate of £1 per minute at Journey charge points, after a grace period of 10 minutes.

Councillor Goodfellow congratulated officers on the work already carried out, which had been financed on central funds. He remarked that no area in Scotland was better served with EV chargepoints.

Councillor Bruce noted that East Lothian Council held almost £1m of EV and chargepoint assets.

Councillor Hoy welcomed the opportunity for further commercialisation of East Lothian's EV chargepoint network. He questioned how closely pricing would be monitored. Mr Forsyth advised that it would be essential to monitor use to ensure the EV chargepoint network did not run at a deficit. He advised that the availability of chargepoints would be a catalyst to encourage the use of EVs.

Councillor McMillan remarked that attitudes to different forms of car use were being adopted. He welcomed the move towards provision for EVs due to the environmental benefits.

The Convener stated that a fantastic amount of work had been done already by East Lothian Council. He commented that EV use would accelerate in the coming years, bringing with it a challenge to ensure adequate provision of chargepoints.

Decision

The Cabinet agreed:

- i. to 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 had been received from the UK Department for Transport's Office of Low Emission Vehicles (OLEV); and
- ii. to note that the charging units were currently free at the point of use, and endorsed the recommendation to apply a tariff for the use of the electric vehicle chargepoints.

7. VARIOUS ROADS – EAST LOTHIAN, INTRODUCTION AND AMENDMENTS TO TRAFFIC REGULATION ORDERS 2019

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking 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.

Mr Forsyth presented the report. He informed Members that a review of restrictions had highlighted several areas that required amendment or introduction; these were detailed in Appendix A. Revised speed limit restrictions were detailed in Appendix B. Police Scotland would be fully consulted on the introduction of all of these proposals/regulations.

Responding to Councillor Williamson's questions, Mr Forsyth confirmed that notification would be provided to residents prior to implementation of changes. Regarding a query about ensuring only appropriate parking at Musselburgh station, he remarked that it was very difficult to make a distinction between different types of station car park users.

Councillor Mackie queried parking enforcement at rail stations, as Musselburgh station already had double yellow lines but this did not stop people parking. Mr Forsyth replied that the Council would be enforcing parking; negotiations were ongoing with Scotrail regarding this, a service level agreement was being prepared. Responding to further queries, he said it would probably take around 12 months and confirmed that notifications would be displayed.

Councillor McMillan welcomed the consultation with local communities.

Decision

The Cabinet agreed to 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 were in force in respect of locations and proposals listed in Appendix A & B to the report.

8. CITY OF EDINBURGH LOW EMISSION ZONE CONSULTATION

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) advising 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.

Mr Forsyth presented the report informing Members that Part 1 of the Transport (Scotland) Bill, introduced in June 2018, dealt with the concept of LEZ. He gave details of the LEZ scheme and the penalty applied to vehicles that did not meet the specified standard. He drew attention to Appendix A, which detailed the LEZ maps. He highlighted section 3.3.1 of the report, which set out required vehicle emission standards. He gave details of the grace periods for the two mapped areas. Analysis of the impact of the LEZ was provided in an accompanying report within the Members' Library Service. Mr Forsyth advised that LEZ implications would result in a higher demand on public transport, outlining issues in relation to rail sector capacity and parking concerns/infringements. Drawing attention to the recommendations, he highlighted the caveat of working collaboratively with the CEC.

Mr Forsyth responded to a range of questions. Councillor Bruce queried the legality of allowing a longer grace period for Edinburgh residents. Mr Forsyth said this had not been explored yet but would be challenged; he referred to the Fairer Scotland Duty and the view that this was a breach of that Duty. Regarding queries about public transport, he stressed the need for a more regional debate as this aspect could not be dealt with in isolation.

Responding to Councillor O'Donnell, Mr Forsyth confirmed that NHS Lothian had been included in the consultation. The Members' Library Service report had more detail including social care exemption information. Councillor O'Donnell said that her ward,

Preston/Seton/Gosford, had no direct bus service to the Western General Hospital; people had to change at Musselburgh. Mr Forsyth indicated he would feed this into the consultation.

Councillor McMillan, referring to the Corporate Risk Register, asked if the LEZ would be a factor in relation to the Carbon Management risk. Mr Forsyth confirmed it would be and that he would arrange for this to be taken into account for the Council's risk management. Councillor McMillan also raised concerns in relation to the cost of public transport for students and the associated problem that students may need a car, which may not meet LEZ requirements. Mr Forsyth confirmed he would feed in this comment.

Musselburgh Ward councillors raised several issues. In respect of car plate number recognition, Mr Forsyth confirmed this would be done through the DVLA and a penalty charge notice generated; no manual checks would be carried out. Regarding concerns expressed about trade vans and whether time would be allowed for upgrade/replacement, he stated there would be grace periods. He confirmed that public consultation would be carried out in Musselburgh. With regard to people potentially making longer trips outwith the city wide LEZ to avoid charges, resulting in more emissions, Mr Forsyth said the hope was that people would change their method of travel to public transport. In relation to testing/scraping schemes for petrol cars, he said that Transport Scotland ran schemes for public vehicles but he was not aware of this being offered to private vehicles.

Regarding questions about the grace period, Carlo Grilli, Service Manager – Legal and Procurement, clarified that there was not full legal analysis yet due to the Transport (Scotland) Bill, Stage 2, which was reviewing legislation; this proposed a grace period for residents of 2 years and for non-residents of 4 years. He advised in relation to the CEC policy that the position set out currently in the Bill was not being followed.

Responding to Councillor Goodfellow, Mr Forsyth advised that the Bill was expected to be made law in early 2020; this would allow the CEC to make an order for LEZ by the end of 2020 for introduction in 2021.

The Convener referred to the Bus Green Network and the need to get this extended into East Lothian. In relation to Park and Ride facilities, for example at Newcraighall, he felt that running express buses from these facilities into the city centre would be beneficial. He also referenced the Climate Change Levy. Mr Forsyth indicated these aspects would be included in the response to the CEC.

The Chief Executive informed Members of a parallel piece of work, the Workforce Parking Levy, which proposed a tax on employers in relation to the number of employees and parking spaces appropriated. She also referred to the Regional Growth Strategy and the Joint Council Regional City Deal, which took in a wide spectrum of duties; South East Scotland was growing at a far greater rate than other areas of Scotland.

Councillor Bruce opened the debate stating that he agreed generally with LEZ but had concerns about the lack of Scottish Government funding for East Lothian in relation to the works required. He agreed with Councillor Goodfellow's points during an earlier agenda item that the Scottish Government was placing duties on local authorities but not supplying the necessary funding. He remarked that LEZ would adversely affect low-income groups.

Councillor Hoy echoed his colleague's comments. He welcomed the policy but queried whether rather than a grace period if a set number of journeys per year could be considered.

Councillor Williamson remarked, in relation to Musselburgh, that a full and effective consultation with all businesses, community groups and local organisations had to be done before implementation of this LEZ. He added that Lothian Buses needed to look at their services to the town, highlighting some issues.

Councillor Goodfellow disputed the comments made in relation to Lothian Buses, stating they were probably the best public transport network in Scotland.

Councillor Akhtar welcomed that an Integrated Impact Assessment would be done in due course and that a full public consultation would be carried out.

Decision

The Cabinet agreed:

- i. to endorse the proposed response to the City of Edinburgh’s consultation exercise;
- ii. 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’;
- iii. 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 would benefit overall carbon reduction; and
- iv. 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 would bound East Lothian in the interests of road safety and to ensure that the interests of both parties were 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 was unfair;
 - East Lothian Council would investigate a collaborative arrangement with the City of Edinburgh to include Musselburgh within the Low Emission Zone.

Sederunt: *Councillors Mackie and McMillan left the Chamber*

9. FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 AND DATA PROTECTION ACT 2018 – COMPLIANCE STATISTICS IN 2018

A report was submitted by the Depute Chief Executive (Resources and People Services) 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). The report also detailed 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).

Kirstie MacNeill, Service Manager – People and Governance, presented the report. She detailed the total number of Freedom of Information requests in 2018, an increase from the previous year. She drew attention to the table at paragraph 3.5, which provided a breakdown

of response timescales in 2018. She informed Members that last October the Scottish Information Commissioner (SIC) had intervened in respect of the deterioration in the Council’s compliance with statutory timescales. Special measures had been put in place and performance had significantly improved. In July 2019, the SIC had notified the Council that his intervention would cease. Currently all requests were being dealt with to timescales.

Decision

The Cabinet agreed to note the report.

10. DEFERRING ENTRY TO PRIMARY ONE

A report was submitted by the Depute Chief Executive (Resources and People Services) informing Members 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. The report also provided an overview of deferring entry to primary one procedures within East Lothian.

Fiona Robertson, Head of Education and Children’s Services, presented the report. She referred to the statutory duty on Education Authorities in relation to the provision of pre-school education. The Council had reviewed its Deferred Entry Guidelines for staff and parents for August 2019 to ensure transparency and rigor throughout the process and a training session had been provided for all Early Learning and Childcare settings. Where a deferred year was being considered the guidance to schools advised that the focus would be on the key aspects of the child’s development and learning. She outlined the request process and parental requests to reconsider a refusal of a deferral. She drew attention to the policy implications. She informed Members that the review would not take place until at least post 2022/23 due to 1140 hours work.

Responding to questions Ms Robertson advised that the Panel would take into account all information provided including medical details. She gave details of the process if a parent chose not to access early years provision until the child was 4 years old. She clarified that the review would not take place until 2022/23 due to the resources required in delivering 1140 hours and in delivering the requirements of the East Lothian Local Development Plan.

Decision

The Cabinet agreed:

- i. to note the contents of the report; and
- ii. that the Education and Children’s Service intended 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 would be carried out when reviewing the guidelines

Signed

Councillor Norman Hampshire
Depute Council Leader and Convener of the Cabinet

REPORT TO: Cabinet

MEETING DATE: 12 November 2019

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: New Voids Management Policy

2

1 PURPOSE

- 1.1 To seek Cabinet approval for the new Voids Management Policy prior to implementation.
- 1.2 To present Cabinet with further supporting information in respect of the policy review process and key elements of the new policy.

2 RECOMMENDATIONS

- 2.1 That Cabinet approves the new Voids Management Policy prior to implementation.
- 2.2 That Cabinet agrees an implementation date of 01 April 2020.
- 2.3 That Cabinet notes that the consultation process approach meets the Council's legal requirements under the Housing (Scotland) Acts 2001 and 2014 and also reflects good practice. Details of the consultation process and outcomes can be found in the Members Library paper referenced in this report.

3 BACKGROUND

- 3.1 The Council's current Voids Management Policy was introduced in October 2006 and has been in operation for several years. Some small changes have been made over the last few years, most recently an Operational Review in 2009.
- 3.2. As part of the Audit Plan for 2016/17 an audit was undertaken of the Housing Voids process and a number of internal recommendations were

made including the need to carry out a detailed review of the Voids Management Policy as well as a review of certain associated procedures.

- 3.3 In addition, there is a requirement to report on prescribed performance indicators to the Scottish Housing Regulator through the Annual Return on the Charter (ARC). Numbers of re-lets and re-let times are one of the areas which are reported. Reported re-let timescales have increased from 16.34 days in 2013/14 to 39.92 days in 2018/19 (as per the ARC). This apparent worsening of performance is due, in part, to a more robust methodology now being applied in calculating the number of void days in line with Charter guidance rather than any significant variance in actual performance.
- 3.4 Operational improvements, including more consistent application of policy in respect of non-urgent repair work being carried out post-occupancy and stricter monitoring of voids has resulted in the overall number of voids being reduced from 177 as at end of March 2018 to 108 as at the end of March 2019 with the percentage of voids less than three months improving from 60.5% to 76% in the same time period. This focus on tackling the majority of the older voids has negatively impacted on the overall number of days reported in 2018/19 (as per 3.3 above). Nevertheless, ELC performance is better than its peer group average and only six days above the national local authority average. The continuance of this development work will see improvements in overall turnaround time in 2019/20 and beyond.
- 3.5 Good performance in re-let times allows the Council to address some of the other pressures it is under, such as the ability to more quickly address need and demand, reduce time in and demand for temporary accommodation for homeless applicants, reduce rent loss as well as continuing to enhance the look of the Council's estates and neighbourhoods in general.
- 3.6 A policy review team was established with representatives from Community Housing & Homelessness staff, Property Maintenance and the Central Heating team as well as representatives from East Lothian Tenants and Resident's Panel. The review team has drafted the revised policy, which is now ready for approval following extensive consultation.
- 3.7 The policy review team has reported to a cross-party Programme Board that also includes the Head of Development and representation from East Lothian Tenants and Residents Panel.
- 3.8 Much of the existing policy has been retained, with a greater emphasis on doing non-urgent repair work after the tenant has moved in to ensure the quick turnaround of empty council houses for the reasons referred to in paragraph 3.5 above. The new policy also introduces a move to a decoration pack process (rather than the existing cash payment) and a preferred energy supplier but otherwise the new draft policy remains relatively intact with the contents, language and format modernised.

- 3.9 Development work is underway to improve the various elements of the voids management process and introduce the new decoration pack and preferred energy supplier with a view to concluding this work by 1 April 2019 when the new policy will take effect in its entirety.
- 3.10 As per the 2014 Act, the revised Voids Management Policy was the subject of full tenant consultation. The Voids Management Consultation Survey was sent to all Council tenants. 1,206 responses were returned – with significant majority support for the each of the proposals, which in turn provides a strong mandate for change. A separate paper detailing the consultation exercise is lodged in the Member's Library (October 2019).

4 POLICY IMPLICATIONS

- 4.1 The Council can be satisfied that the new Voids Management Policy is compliant with legal requirements and will help deliver good outcomes for housing applicants and tenants.
- 4.2 The new policy, when implemented in full, will help ensure that we apply Voids procedures for tenancy management and maintenance of empty houses consistently across the county.

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 Policy itself is cost neutral but improved processes and the use of decoration packs (instead of cash payments) will reduce both revenue and operational costs as well as reduce overall void rent loss.
- 6.2 Personnel – None.
- 6.3 Other – None.

7 BACKGROUND PAPERS

- 7.1 Appendix A – Draft Voids Management Policy
- 7.2 Members' Library Report – Void Management Policy – Operational Review – December 2009
- 7.3 Members' Library Report – Voids Policy Consultation Exercise – October 2019

7.4 Integrated Impact Assessment – October 2019

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DATE	October 2019

East Lothian Council Voids Management Policy - Final Draft

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Introduction

The East Lothian Council Void Management Policy sets out how we deal with empty (void) houses. It covers how we manage vacant tenancies and maintain empty houses.

Managing empty houses (Voids Management) is an important part of the work of both the Community Housing and Property Maintenance Sections. We must make sure that staff and customers understand the process. We must comply with the law and follow best practice. We must also try to ensure that we are always improving our performance.

How to use this document

Section 1 gives the background to the new Voids Management Policy.

Section 2 outlines the purpose of the Policy.

Section 3 describes the underlying principles of the Policy.

Section 4 sets out the laws that apply to it.

Section 5 covers other East Lothian Council policies and procedures, and looks at their effect on our voids management process.

Section 6 describes the way that we deal with the maintenance of empty houses.

Section 7 sets out how we will communicate with our customers throughout the process.

Sections 8 and 9 consider continuous improvement. It sets out who is responsible, and methods for performance monitoring and setting the timescales for review.

Section 10 includes the Lettings Standard and Void Clean Standard.

Section 11 sets out the Council's Privacy Statement under GDPR

Definitions

House means home, that is part of a building or a whole building that is used as a separate home. This may include gardens and structures within the grounds of the house.

A **Mainstream** house is a house that is permanently occupied as a Secure Tenancy.

The Policy is the East Lothian Council Void Management Policy.

Termination date means the date on which the tenancy of a house ends. In relation to Statutory Performance Indicators, **void** means the time that a house is empty, from the time that the old tenancy finishes to the time that the new tenancy begins. However in relation to the Policy, a **void** means the whole voids process. This runs from the time that we receive notice of the termination of the tenancy from the old tenant to the time of our settling-in visit to the new tenant.

Notes East Lothian Council (ELC) is referred to as 'we' or 'us' throughout this document.

DRAFT

Section 1 Background

East Lothian Council's current Void Management Policy was introduced in October 2006. It has been in operation for several years with some small changes introduced over the last few years, most recently an Operational Review in 2009.

As part of the Council's Audit Plan 2016/17 a review was undertaken of the Housing Voids process and a number of Internal Audit Recommendations were made.

We carried out a Void Policy Review to improve performance and customer satisfaction.

One of the project's main objectives was to review and improve the current Void Standard and Procedures. We felt that the best way to achieve this was to review our current Voids Management Policy.

We formed a working group to consider all aspects of void management. The group consisted of:

- Officers and Managers from the Community Housing, Property Maintenance, Central Heating Team and Homelessness sections
- Representatives from East Lothian Tenants and Residents Panel (ELTRP).

The working group reviewed the Voids Management Policy and a number of associated processes.

Section 2 Purpose of the Policy

The Voids Management Policy will:

- update both the current East Lothian Council Void Policy and Void Standards;
- describe the underlying principles of our approach to the management and maintenance of empty houses;
- explain the law relating to the management of void properties;
- ensure that we apply Voids procedures for tenancy management and maintenance of empty houses consistently across the county;
- set minimum standards of work that we must carry out on every void house, and the balance of repairs that we must carry out before and after a property is re-occupied;
- provide the basis of the information contained in the *Lettings Commitment*;
- clearly establish our responsibilities and those of our customers throughout the voids process;
- ensure continuous improvement in the voids process

Section 3 Principles of the Policy

The following principles underpin the Policy:

- The Voids Management Policy is an important housing management policy. The overall aim of the Policy is to provide good management of void properties and limit void periods in order to maximise rental income, provide a quality service and to meet housing need. We must involve tenants and other service-users in its development and implementation.
- We will ensure that we bring void properties to a lettable standard as quickly as possible. However, this must not be at the expense of the quality of workmanship, nor should it compromise the health and safety of staff, sub-contractors or prospective tenants.
- The Policy will apply to all East Lothian Council mainstream tenancies and temporary accommodation.
- We will strive to ensure that we match prospective tenants with empty properties as soon as we can, and make sure that these tenancies are sustainable.
- We will ensure that the policy and the procedures followed in the management of void properties comply with legal duties, regulatory requirements and good practice standards.
- We will ensure that all service-users are treated equally in the service they receive under the terms of the Voids Management Policy.
- We will make the Policy and any associated documents available to all staff, stakeholders, tenants, applicants and the general public. These are available, on request, in different languages and in other formats such as in large print, audiotape and Braille. We will also publish it on our Internet and Intranet sites.

Section 4 Legal Framework

We must ensure that we comply with current legislation in all aspects of our work. We have considered the following legislation in developing our Voids Management Policy.

The Housing (Scotland) Acts

The *Housing (Scotland) Act 2001* (The '2001 Act') has the greatest effect on the Voids Management Policy. This states that before a new tenancy begins, we must make sure that all our properties are wind and watertight and reasonably fit for human habitation. It also says that we must tell prospective tenants of any work that we need to carry out to meet these requirements. To be fit for human habitation, a house must meet the 'Tolerable Standard', which is set out in the *Housing (Scotland) Act 1987*, (as amended).

The 2001 Act also governs how we deal with abandoned properties. If we have to remove any belongings left in an abandoned house, we must follow *The Scottish Secure Tenancies (Abandoned Property) Order 2002*.

The 2001 Act also gives outgoing Scottish Secure Tenants the right to claim compensation for any improvements that they have made to the house after 30 September 2002. To claim compensation for improvements undertaken before this date, but after 1 April 1994, *The Secure Tenants (Right to Compensation) (Scotland) Regulations 1994* apply.

The 2001 Act also says that we must consult tenants about any changes in our housing-related policies.

Regulation

The Housing (Scotland) Act 2010 requires Scottish Ministers to set standards and outcomes which social landlords should aim to achieve, and to publish these in a Scottish Social Housing Charter. We have identified the standards that are directly relevant to our voids policy process, and have considered them in the development of the Policy.

This Act also created the Scottish Housing Regulator as an independent regulator directly accountable to the Scottish Parliament. The Regulator's statutory objective is to safeguard and promote the interests of current and future tenants, homeless people and other people who use services provided by social landlords.

Under the *Local Government in Scotland Act 2003*, we must show Best Value in all aspects of our work. Best Value means continuous improvement in our

performance. Audit Scotland monitors all Scottish local authorities for Best Value.

The Scottish Housing Quality Standard

The Scottish Executive issued *The Scottish Housing Quality Standard (SHQS)* in 2004. It sets out a decent homes standard. All socially rented accommodation in Scotland was required to meet this standard by 2015. We continue to ensure our properties meet the (SHQS).

Health and Safety

The Health and Safety at Work etc. Act 1974 says that we must consider the health and safety of all employees, sub-contractors and members of the public in all aspects of our work. The Management of Health and Safety at Work Regulations (2006 Amendment & 1999) make explicit requirements that we must meet to manage health and safety under the 1974 Act. For example, we must carry out risk assessments in our places of work and provide adequate health & safety training to our employees.

Equalities

The Equality Act 2010 means that everyone has the right to be treated fairly. It protects people from discrimination on the basis of certain characteristics - known as 'protected characteristics'. These are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sexual orientation; sex; marriage and civil partnership.

The purpose of the Public Sector Equality Duty in section 149 of the Equality Act 2010 is to place a general duty on East Lothian Council to ensure that our services are designed to meet the diverse needs of the community and that we build inclusive services. The duties include the responsibility to eliminate unlawful discrimination, harassment and victimization, to advance equality of opportunity and to foster good relations.

In line with East Lothian Council's positive approach to achieving equal opportunities, an integrated impact assessment has been carried out on this policy.

Energy performance

Under *The Energy Performance of Buildings (Scotland) Regulations 2008* we must ensure that a valid Energy Performance Certificate is made available to prospective tenants.

The Energy Efficiency Standard for Social Housing (EESH) was launched by the Scottish Government in March 2014. The EESH categorises the property and fuel types by which housing stock should be apportioned, and sets out the ratings to be achieved by each property. The EESH will contribute towards the carbon emissions reduction targets set by the Climate Change (Scotland) Act 2009. The Scottish Housing Regulator (SHR) will monitor and report on social landlords' compliance with the EESH. From 2015/16, all social landlords are expected to submit data to SHR on their compliance with the EESH on an annual basis. The Policy will take into account any future guidelines and standards under EESH.

Section 5 Related policies, procedures and standards

Managing empty houses involves many areas of our business. Other housing policies, procedures and service standards affect it. We describe some of these in the following section.

Tenancy Agreements

All East Lothian Council tenants have either an East Lothian Scottish Secure Tenancy (SST) or an East Lothian Short Scottish Secure Tenancy (SSST). This sets out their rights and responsibilities under the *Housing Scotland Act 2001* and the *Housing Scotland Act 2014*.

We set out the rights and responsibilities of people that we have placed in temporary accommodation in an East Lothian Council SSST.

Policies

We allocate vacant mainstream tenancies to applicants according to the *East Lothian Council Allocations Policy*.

We set out our responsibilities and those of our customers for repairs in the *East Lothian Council Repairs and Improvements Policy*.

All staff undertaking work as part of the void procedure should have received health and safety training appropriate to their workplace. We have carried out appropriate risk assessments for job roles, job locations, and specific risk

issues. We also have corporate and more specific departmental safety policies in place.

We have produced a *Tenant Participation Strategy* in conjunction with East Lothian Tenants and Residents Panel. This sets out how we will ensure that tenants continue to shape our housing policies and decisions.

Procedures

We have developed detailed Void Procedures for all staff involved in the Voids process, including Settling-in visits to new tenants.

The *Decoration Incentive Policy* guides how we manage decoration packs that we provide to incoming tenants.

We follow the *East Lothian Council Abandoned Tenancy Procedure* when tenants have left their homes without giving us the required notice.

We follow the *East Lothian Council Abandoned Belongings Procedure* when belongings have been left in abandoned houses, or when the tenant has been evicted.

We make any recharges resulting from work carried out on behalf of tenants in line with the *East Lothian Council Recharges Procedure*, as set out in the *Repairs and Improvements Policy*.

Where outgoing tenants make a claim for compensation for any improvements they have carried out, we follow the *East Lothian Council Compensation for Improvements Procedure*.

We record the day-to-day management of void houses on our IT systems.

Standards

The *Void Property Standards* set out the standard maintenance conditions, including the timescales for completion, which we will meet for each mainstream void.

The *Lettings Commitment* is a customer-focused summary of the Voids Property Standards. It tells new tenants the level of service and standard conditions they can expect of their new home. The *End of Tenancy Checklist* sets the standard for the conditions in which the tenant should return the house to us when the tenancy ends.

We have a rolling programme of kitchen and bathroom replacements. These comply with the *East Lothian Council Kitchen Standard* and *East Lothian Council Bathroom Standard*.

We clean all void properties in line with the East Lothian Council Void Clean Standard.

Section 6 Property management

We want to make sure that we bring all empty properties to a lettable standard as quickly as possible. We will make sure that we carry out required repairs before the new tenant moves in, with all others done after occupation.

Planning Repairs

We will assess what work we need to carry out to meet our Void Property Standards. We will carry out all work needed to make sure that the property meets our Lettings Commitment (Appendix 1) before we re-let the property. The new tenant will be provided with information on any post allocation repair work required. The tenant is then responsible for arranging these repairs by contacting East Lothian Council's Contact Centre.

Void Property Standards

General

We will make sure that all properties are made structurally stable, wind and watertight, and free from dampness before we re-let them.

Asbestos

We will carry out an Asbestos Check/Inspection on all properties. If we think that a house contains asbestos, we will arrange for samples to be taken for further analysis. We will record the results of this analysis and will arrange any necessary remedial action.

Energy Supply

All houses should have a supply of electricity and/or gas. Our preferred energy supplier will try to ensure that all prepayment meters are clear of debt and install a meter where required.

Electrical

We will arrange for a full electrical safety check to be carried out before the property is re-let. We will leave an information label on the electric meter to let new tenants know that this work has been done.

We will make sure that all repairs to electrical circuits, sockets and fittings are done before we re-let the property.

Gas

We will arrange for a contractor to carry out a full gas safety check as soon as we can before we re-let the property. We will give new tenants a copy of the Landlord Certificate when we let the property to them.

We will make sure that all repairs to gas fittings are done before we re-let the property.

Heating

We will make sure that all heating systems are in full working order, and provide instructions to new tenants should they be required.

We will replace solid-fuel and open-fire systems with alternative heating as follows:

Current Heating Type	Mains gas available	New Heating Type
Open fire	Yes	Gas
Open fire	No	Electric or Air Source Heat Pump System
Solid fuel appliance e.g. Rayburn, closed fire	Yes	Gas
Solid fuel appliance e.g. Rayburn, closed fire	No	Incoming tenant has option to retain solid fuel appliance*, replace with Electric Heating or Air Source Heat Pump System.
* Provided the appliance passes a safety check.		

Energy Performance Certificate

We will ensure that a valid Energy Performance Certificate is displayed in the property.

Kitchens

We will make sure that all kitchens are in working order before we re-let them.

Each kitchen will have at least:

- a sink with a hot-and-cold water supply;

- a sufficient worktop area;
- space for a cooker, washing machine and refrigerator.

If there is already a gas cooker pipe in place, we will make sure that the pipe is capped when it is decommissioned before we re-let the property. We will make sure that an electrical cooker connection is in place before we re-let the property.

The new tenant is responsible for the re-connection of cookers. In the case of gas cookers, an approved gas fitter must carry out this work. Tenants must also get our written approval for this work.

Bathrooms

All bathrooms will be made fully operational prior to re-letting.

Each bathroom will have at least:

- either a bath or shower
- a wash-hand basin with a hot-and-cold water-supply
- a WC and Cistern

Floors

We will ensure that all floor-coverings are removed (except those we have fitted as part of capital improvement work) before we re-let the property. In exceptional circumstances an agreement can be made with the Community Housing Officer to leave floor coverings.

We will make sure that floor surfaces (including stairs) are clean, free from holes and trip-hazards. We will do any necessary work before we re-let the property.

Walls and Ceilings

We will make sure that all wall and ceiling finishes, skirting and facings are sound and free from significant holes.

We will remove all polystyrene ceiling tiles, cornices and coving before we re-let the property.

Decoration

The new tenant is responsible for the decoration of the house. This includes filling work and removing wallpaper. We may offer a one-off Paint Pack for Decoration following assessment.

We may in some instances decorate a property prior to a tenant moving in. This would be in exceptional circumstances and would be considered on a case-by-case basis.

Internal Doors

We will fit all glazed internal doors with safety film/glass, or replace them with flush doors.

External doors and windows

When the new tenant moves in, we will fit new locks and give them at least two keys to each external door.

We will make sure that all windows work properly, and will secure them while we are working on the void property. For fire safety purposes, we must leave all windows unlocked, and we will remove the keys for lockable windows before we re-let the property.

Cleaning

We will clean the house before we re-let the property according to the East Lothian Council Void Clean Standard (Appendix 2).

External areas

We will make sure that all paths and steps in the grounds of the house, for which we are responsible, are sound and free from trip-hazards. We will remove all other paths and hard landscaping unless the new tenant agrees to accept responsibility for maintaining these during their tenancy.

We will remove temporary external buildings (for example, sheds, wooden garages, greenhouses etc.) unless the new tenant agrees to accept responsibility for maintaining these during their tenancy.

We will not maintain satellite dishes or television aerials, these are the responsibility of the tenant. We will remove any such fittings that we think are unsafe.

We will make sure that permanent external structures (garages, coal bunkers etc.) are in working order.

We will carry out a one-off cut/tidy up of the garden, prior to a new tenant moving in.

We will remove all graffiti within the grounds of the house before we re-let the property.

All gardens and external buildings will be clear of items, including garden furniture and garden refuse.

Where existing drying areas exist, we will make sure that there are enough clothes poles.

We will make sure that all fencing for which we are responsible is safe and intact and that gates are in working order.

Temporary Accommodation

In general, houses used for temporary accommodation will meet the void property standards set out for mainstream voids. However, we must also ensure that these properties are decorated to a good standard and have serviceable furniture. We will check on decoration and furniture once the previous tenant leaves (Post-Occupancy Inspection). This will help them to plan any necessary work for these properties.

Adaptations to Void Properties

Properties will be categorised as either adapted or adaptable, if they are deemed as suitable for an applicant with disabilities. Where any adaptations or fixed equipment are installed in a property which becomes void these will be retained. Properties with 'major' adaptations will be allocated to applicants who require the adaptations as far as is possible.

Major adaptation/extensive works are defined as permanent structural changes to the property e.g. ramps, widening to permit wheelchair manoeuvre, alterations to kitchens and bathrooms.

If a new tenant has been assessed as requiring further adaptations to meet their needs these would be added to the Adaptations Programme and would be completed post occupancy allowing new tenants to move into more suitable accommodation sooner.

Section 7 - Tenancy management

Ending a tenancy

Tenants must give us 28 days' notice of when they want to end their tenancy, except:

- where a tenant is transferring to another East Lothian Council tenancy
- where a tenant is transferring to a tenancy with another local authority in the UK
- where a tenant is moving to a Housing Association tenancy in the UK
- where a tenant has died

Pre-termination Inspection

We will carry out a Pre-termination Inspection as soon as possible following receipt of a termination notice. This inspection will provide the tenant with details of what is expected of them prior to terminating their tenancy as set out below:

On leaving their home, tenants should ensure that:

- All rooms are cleared and left in a clean and hygienic condition
- All windows are left clean inside and out
- The loft is cleared of all items
- The house is left in good decorative order
- Fixtures and fittings, which were installed without Landlord's Consent are removed
- Missing fixtures and fittings are replaced
- Damaged fixtures are replaced
- All floor coverings are removed
- Gardens and outbuildings are left tidy and cleared of all items
- All keys, including door entry keys and key fobs, are returned by 10am on the tenancy end date
- All debt is cleared on gas or electric prepayment meters
- All keys or payment cards for the meters are left in the property

We will make outgoing tenants aware of their responsibilities when leaving the house. However, if they fail to meet their responsibilities, we will arrange for the work to be done on their behalf. We will recharge all such work to the outgoing tenant(s). We will ensure that photographic evidence is used when determining the rechargeable work.

When an Outgoing Tenant Leaves

The tenant must return the keys by 10am on the date that the tenancy ends ('the tenancy end date'). East Lothian Council must agree this date with the tenant. If the tenant returns the keys by this time, we will end the tenancy on the agreed end date. If the tenant returns the keys after this time, we will continue the tenancy on a day-to-day basis, until the keys are returned.

Post-termination Inspection

We will inspect all houses as soon as possible after the outgoing tenant leaves to:

- Identify the work needed to make sure the property meets our Void Property Standards
- Identify any work required which the previous tenant should have carried out as part of their responsibilities.
- Take photographs to the condition of the property, when there is rechargeable work.

- We will assess the need for future work, for example; adaptations to meet the needs of disabled customers, or work required to meet the Scottish Housing Quality Standard/EESH.
- Take meter readings at the inspection, and will pass them to our preferred energy supplier as soon as possible.
- Conduct an Energy Performance Survey

Compensation for Improvements

We will remind tenants of their right to receive compensation for improvements when moving into a house and on leaving a house.

Incoming Tenants

At the start of a new tenancy, we will hand the keys over to the tenant at the house. We will ask them to sign a New Home Mandate. This confirms that they agree that the house meets our Lettings Commitment. We will also be able to ask the new tenant to assure us that they accept responsibility for:

all temporary external buildings (that are not our responsibility) that have been left at their request

all landscaping (that is not our responsibility) that have been left at their request.

Satellite dishes and/or TV aerials

Carpets or flooring which have been left in situ

We will also ask the incoming tenant to assure us that they agree with final electrical and gas meters readings.

Settling-in Visits

We will arrange a settling-in visit with all new tenants. We will make this visit between two and eight weeks from the start of the tenancy. This visit lets us see that the tenant is meeting their obligations and find out about any problems they may have in doing so.

Section 8 - Performance Management

Effective void management means that we should turn around void properties as soon as possible while ensuring that they meet the prescribed lettings standard. There are two types of void properties:

- Minor voids - only minor repairs needed to a property, allowing us to keep the void time to a minimum and allocate a property to a new tenant as soon as we can.
- Major voids - These are void properties that are generally uninhabitable where there are major repairs needed to make the property safe before a new tenant can move in e.g. structural works, dampness, roof repairs etc.

We will also ensure that the number of properties vacant at any time is kept to a minimum.

We will set clear targets against both void types to ensure that we are meeting these objectives. We will also monitor our performance regularly, and take necessary action where required. Statutory Performance Indicators help us monitor our collective voids performance. However, we have to recognise that voids can vary greatly in the level of work needed to turn them around.

Targets and Management Information

We will set clear internal targets for various types of void. These targets will focus on:

- Void turnaround times
- Quality of maintenance work, including cleaning
- Customer satisfaction

Where possible we will try to find out why properties become void, and use this information to guide our policies and practices to help us reduce void turnover and increase sustainability.

Monitoring

We will monitor our performance using the following methods:

- system-generated performance information
- quality checks
- Customer feedback
- Tenant scrutiny

We will carry out quality checks on a representative sample of completed void houses.

We will try to get feedback on all aspects of the void process from every new tenant.

Improving performance

We will regularly compare our performance against set targets. If our performance is falling short, we will look for reasons and try to put things right wherever we can.

We will let all relevant staff know regularly how we are performing. We will include void performance measures on both local and corporate performance framework. We will ensure that completed and current voids are monitored and reviewed on an on-going basis jointly between Community Housing, Property Maintenance and ELTRP.

Responsibility

The Service Manager, Property Maintenance will be responsible for performance in the repairs and maintenance of void houses.

The Service Manager, Community Housing will be responsible for performance in the tenancy management aspect of void houses.

Section 9 - Continuous improvement

Equalities

We want to ensure that our customers have equality of access to our services.

Therefore, we will monitor our performance in the areas of:

- age
- disabilities
- gender
- race and ethnicity
- religious beliefs
- sexual orientation
- other relevant social attributes of our customers.

Review

We will review the Policy every three years, or whenever there is any relevant new law during this period.

Section 10 - Appendices

Appendix 1

Lettings Commitment

What you can expect of your new home

Before you move in, we will ensure that:

- The house is structurally stable, wind & watertight and free from dampness
- All electrical circuits, sockets and fittings are safe
- The gas supply is safe and that all gas fittings have been checked for safety
- Your kitchen & bathroom are clean and fully operational
- All rooms are cleaned to a set standard
- All floor coverings will be removed, and floor surfaces are clean and safe
- All walls, ceilings and skirting's are sound and free from major holes
- The heating system is in working order, and you are given instructions of use
- All windows will be fully operational and clean inside and out
- New locks are fitted to external doors, and you are given two sets of keys
- All graffiti is removed

Some things may not be done until after you move in, such as:

- All other repairs not covered above, for which we are responsible
- A one-off tidy of your garden
- Plaster repairs, where you will be removing wallpaper

You will be responsible for:

- The internal decoration of the house, including the removal of wallpaper

Appendix 2

Void Clean Standard:

- Bag and remove waste from site
- Sweep/Hoover and wash hard flooring in all rooms/internal hallways with a deodorising disinfectant.
- Ensure all storage cupboards are emptied and cleaned
- Carpeted flooring - hoover/full shampoo where specified
- Wash all internal and external windows, doors & surrounds
- Kitchen - wash all units internally and externally, worktops, walls, oven and appliances internally and externally, sink and surround ensuring a streak free result. Clean all radiators, switches and sockets
- Bathroom/toilet - wash and sanitize suite, wash all ceramic tiles, walls and all units. Sanitised strip applied to the toilet
- Bedrooms - sweep/hoover flooring, wash all window surrounds, skirting boards and doors, wash all furniture (exclusive of bedding & curtains) Clean all radiators, switches and sockets
- Living Room - sweep/hoover flooring, wash all fixed furniture, wash skirting boards, door and standards and remove excessive marks, blue tack, pins, etc. from walls where viable. Clean all radiators, switches and sockets
- Removal of all cobwebs, dust from radiators and pipe work within the area.
- Clean scuffs and dirt from paintwork where possible.
- Leave 2 air fresheners.
- Final check ensuring all tasks complete and surfaces streak free

East Lothian Council Privacy Notice

Section 1: Our contact details

Your personal information is being collected by:	Data Controller:	Data Protection Officer:
East Lothian Council	East Lothian Council	East Lothian Council
Community Housing & Homelessness,	Council	John Muir House
Penston House	John Muir House	Haddington
Macmerry	Haddington	EH41 3HA
Freephone 0800 413721	EH41 3HA	Telephone: 01620 827827
chsdt@eastlothian.gov.uk		Email: dpo@eastlothian.gov.uk

Section 2: Why we need your personal information

East Lothian Council provides a range of Community Housing and Homelessness Services because the law says that we must do this.

The services we provide are in the following area:

- ❖ Provision of housing options advice
- ❖ Allocation of housing stock
- ❖ Management of housing stock
- ❖ Allocation and management of garages
- ❖ Management of travelling persons' site

East Lothian Council is legally required to protect the public funds it administers. For this reason, your information may also be used to prevent and detect fraud, and we may share your information with other organisations responsible for auditing and administering public funds. For more information, please visit: https://www.eastlothian.gov.uk/info/210598/access_to_information/12340/privacy_and_cookies/1

Section 3: Legal Information

In order for us to collect and use your information, we have to have a 'legal basis' for doing so. The legal basis for processing your personal information is:

We have a legal obligation to process your information under the following legislation:

- ❖ The Housing (Scotland) Act 2014
- ❖ Housing (Scotland) Act 2010
- ❖ Housing (Scotland) Act 2006
- ❖ Housing (Scotland) Act 2001

- ❖ Housing (Scotland) Act 1987 (as amended by The Housing (Scotland) Act 2001)
- ❖ The Homelessness (Abolition of Priority Need Test) (Scotland) Order 2012
- ❖ Homelessness etc. (Scotland) Act 2003

We are processing your information as part of our public task as a local authority.

The kinds of personal information we are collecting include:

- a. Name
- b. Previous name
- c. Address
- d. Date of birth
- e. National Insurance Numbers
- f. Information about other people that are, or will be part of your household
- g. Race
- h. Ethnic origin
- i. Housing histories
- j. Next of kin/family network information
- k. Medical/health information
- l. Criminal convictions/offences

The types of information listed in point's f-l above are known as 'special category' personal information. We need an additional 'legal basis' in order to process these kinds of information. The legal basis for processing your special category information is:

- You have given us explicit consent to process your information.
- We are obliged to process your information to provide employment, administer social security or comply with social protection law or collective agreements.
- We need to process your information to provide social care and to manage health and social care systems and services.
- Your information is of substantial public interest, according to the definition set out in the Data Protection Act 2018 (in relation to equalities monitoring only).

Section 4: Sharing and transfer

We will be sharing your personal information with the following:

- Other services within East Lothian Council, including Revenues, property Maintenance, Customer Services, Social Work and Safer Communities Team.
- Contractors appointed to carry out works or adaptations within your home.
- Other Councils and Registered Social Landlords regarding housing applications.
- Advice and support agencies where we have an authorised mandate
- NHS
- Police
- Central Government

Your personal information will not be transferred outside of the EU.

Section 5: How long will we keep your personal information?

We keep your personal data in line with our data retention policy, called a Retention Schedule. For a downloadable copy of the Council's Retention Schedule, please visit our website at www.eastlothian.gov.uk and search for 'Retention Schedule'.

Section 6: Your rights

1. You have the right to be informed about how your information will be used.
2. You have the right to access your personal information. Normally this is done by placing a 'Subject Access Request' with the Council. For more information on placing Subject Access Requests, please visit https://www.eastlothian.gov.uk/info/210598/access_to_information/12300/access_to_information/1
3. You have the right to ask us to correct inaccurate or incomplete information.
4. In certain circumstances, you have the right to have your personal information erased.
5. In certain circumstances, you have the right to ask us to limit the ways we use or share your information.
6. In certain circumstances, you have the right to ask us to move, copy or transfer your information to another organisation in an electronic format.
7. In certain circumstances, you have the right to object to the ways we process your information.
8. In circumstances where your data is processed automatically, without human intervention, you have the right to certain protections.

You can find more information about data protection and your rights on the Information Commissioner's Office (ICO) website at <https://www.ico.org.uk>

Section 7: Complaints

We take your privacy seriously, and would like to know about your concerns so that we can address them as soon as possible. If you wish to make a complaint, we recommend that you contact the Council's Data Protection Officer using the contact details at the start of this Privacy Notice.

If we are unable to resolve the issue to your satisfaction, you have the right to complain to the Information Commissioner's Office (ICO). You can find further information about raising a concern with the ICO on their website: <https://ico.org.uk/concerns/>.

You can contact the ICO by post at:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

Telephone: 0303 123 1113 / 01625 545

745

Section 8: Consent

We have asked for your consent in order to process your personal information. You have the right to withdraw this consent in whole or in part at any time by contacting the Council Service listed at the start of this Privacy Notice.

When you contact us, we will explain the consequences of withdrawing consent. If you choose to continue, we will stop using your personal information for the purpose(s) stated on this Privacy Notice.

Information about other people

If you have provided anyone else's personal information, please make sure that you have told them that you have given their information to East Lothian Council. We will only use this information to:

Record household information in accordance with the needs of East Lothian Council's Housing Application, household information and medical adaptations applications.

REPORT TO: Cabinet

MEETING DATE: 12 November 2019

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Road Safety Inspection Manual – Policy for Road Inspections

3

1 PURPOSE

- 1.1 To inform the Members of the updated Policy for Road Inspections in accordance with Well Managed Highway Infrastructure: Code of Practice, published in October 2016.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Cabinet approves the Road Safety Inspection Manual, with variations for implementation from 1 April 2020.

3 BACKGROUND

- 3.1 On 12 February 2012 the Cabinet agreed to adopt the current Policy for Road Inspections in accordance with the Code of Practice for Highway Maintenance entitled “Well Maintained Highways”, published in July 2005, including some variations.

- 3.2 A new Code of Practice (CoP), “Well Managed Highway Infrastructure”, was published in October 2016. The new CoP moves away from prescriptive guidance requiring authorities to adopt a risk-based approach to asset management. This means that the CoP no longer contains specific advice with regards to inspection frequency or defect response times. The current Policy for Road Inspections already has elements of the risk-based approach embedded within it. However, it does not fully comply with the risk-based approach as it still contains prescriptive intervention levels.

The Society of Chief Officers (SCOTS), through its Road Asset Management Project, has produced additional guidance for local authorities to adapt their inspection processes to the new CoP. The

SCOTS work has produced a model inspection manual with a number of recommendations which has formed the basis for the Road Safety Inspection Manual for East Lothian Council. The manual is provided in Appendix A.

Key aspects of the manual have been risk assessed using the principles of the CoP. The risk assessments are provided in Appendix A of the manual.

The key changes to the inspection manual are listed below:

- The revised risk matrix is significantly different but has been tested in real world use with three authorities and through several peer groups workshops and has been demonstrated to produce consistent results.
- The application of the revised risk matrix is more likely to prioritise a higher proportion of carriageway pothole defects as Priority 2 (5 day response) defects. This being more reflective of the associated risk with the defect other than treating all defects the same. This is a significant change as currently a considerable amount of our potholes over 40mm depth and 150mm across will demand a 24-hour (Priority 1) response. However, officers consider that the new approach better reflects the actual risk to road users posed by the majority of these defects and it will be consistent with most other authorities' practice. It will also allow for more effective planning and increase our ability to permanently repair defects in a single visit.
- The frequency of inspections for carriageways will generally be in line with the current policy, however for Category 5 (Local Access Road) and Category 6 (Minor Road), it will extend from six monthly to annual in line with the SCOTS recommendations.
- Footway inspection frequency will be increased for Category 1 (Prestige), Category 2 (Primary), Category 3 (Secondary) and Category 4 (Link), this recognises that the risk to users is dependent on the footfall, therefore, the busiest footways/footpaths are inspected more frequently. The current level of inspection frequency will be maintained for Category 5 (Local) and Category 6 (Minor) footways and footpaths. Categories 4, 5 & 6 are a departure from the SCOTS recommendations. Further information is provided in Appendix A.
- Cycle routes will be inspected as per carriageway and footway frequencies which differs from the SCOTS recommendations. Further information is provided in Appendix A.

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 – There are no financial implications

6.2 Personnel - Inspections will be undertaken by existing staff

6.3 Other - None

7 BACKGROUND PAPERS

7.1 Well Managed Highway Infrastructure – A Code of Practice, UK Roads Liaison Group. Available at:

<http://www.ukroadsliasongroup.org/en/utilities/document-summary.cfm/docid/4F93BA10-D3B0-4222-827A8C48401B26AC>

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DESIGNATION	Service Manager - Roads
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DATE	30 October 2019



East Lothian Council

Road Safety Inspection Manual

Version: 1.0
Date: August 2019

Document Information

Title	Road Safety Inspection Manual
Author	Callum Redpath, Team Manager - Engineering
Description	This document sets out East Council's policies and procedures for road safety inspection. It is based upon a template produced by the Society of Chief Officers of Transportation in Scotland (SCOTS).

Document Control

Version	SCOTS Template Version	Date	Author	Changes from Previous Version
1.0	1.0	August 2019	CR	

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Introduction

This Road Safety Inspection Manual has been developed with the primary aim of providing operational guidance to those officers responsible for managing road asset safety inspections. This is in order to encourage a consistent approach by utilising a formalised system that recommends the frequency of inspections as well as the method of assessing, recording and responding to defects in the road asset.

This manual is based on the SCOTS Risk Based Approach (RBA) guidance and compiled using their Road Safety Inspection Strategy template.

'Well-Managed Highway Infrastructure: A Code of Practice'¹ has specific recommendations regarding inspections of all road elements. This document specifically relates to the procedure for carrying out road safety inspections. Recommendation 7 of the code of practice is that Road Authorities should adopt a Risk Based Approach to all aspects of road maintenance.

A Risk Based Approach is also recommended by the Institute of Highway Engineers in their guidance on managing risk and liability, 'Well Managed Highway Liability Risk'².

The establishment of an effective regime of safety inspections is a crucial component of road maintenance in accordance with the Code of Practice, The Society of Chief Officers of Transportation in Scotland (SCOTS) seeks to encourage the benefits that will be gained by harmonising such procedures across Scotland. Recommendation 6 within the Code of Practice refers to Consistency with Other Authorities and is stated below:

"To ensure that users' reasonable expectations for consistency are taken into account, the approach of other local and strategic highway and transport authorities, especially those with integrated or adjoining networks, should be considered when developing highway infrastructure maintenance policies."

This Road Safety Inspection manual has been developed in partnership with the roads authorities associated through SCOTS to focus on safety inspections and categorisations, and is now being made available for all Scottish roads authorities to consider adopting for their network.

Officers across all Scottish Local Authorities recognise that Councils are currently faced with delivering services within an environment of increasing fiscal austerity and are aware of the benefits that can be achieved by adopting a common approach which follows the principles of 'Well-Managed Highway Infrastructure'.

Adoption of this manual will provide a consistent methodology for the management of the road network, while focusing on delivering a proactive programme of permanent repairs. It is intended that its implementation will also allow performance to be monitored and reviewed, implementing any necessary improvements identified through its use.

¹ 'Well-Managed Highway Infrastructure: A Code of Practice', UKRLG, October 2016

² 'Well Managed Highway Liability Risk', IHE, March 2017

STATEMENT OF POLICY

East Lothian Council has a statutory duty to manage and maintain adopted public roads within the district. The Council as Roads Authority is responsible for 920km of carriageways and over 481 km of footpaths but has finite resources for managing and maintaining these. An effective road safety inspection procedure is needed to maximise the safety of road users within the constraints of resources available to the council.

The council aims to ensure that the safety inspection activity identifies and rectifies hazardous defects on public roads in a timely manner, in line with best practice where reasonable and within available resources.

ROLES AND RESPONSIBILITIES

The Safety Inspection activity is undertaken by the Engineering & Operations team within Road Services. The strategic management of this function, including performance review and policy development, is the responsibility of the Service Manager. Day-to-day operational management of the safety inspection activity is the responsibility of the Team Manager - Engineering.

Safety Inspections are undertaken by Roads Officers within the Engineering team.

Throughout this manual they are referred to as 'Inspectors'.

Repairs of defects are undertaken by the council's Road Services - Operations team and appointed external contractors under the responsibility of the Engineering Team Manager. Specialist permanent repairs (for example repairs to vehicle restraint systems) are undertaken by third-party contractors. Rectification of defects in relation to trees is undertaken by the council's Amenity Services – Tree Officer.

SCOPE OF ROADS SAFETY INSPECTION ACTIVITY

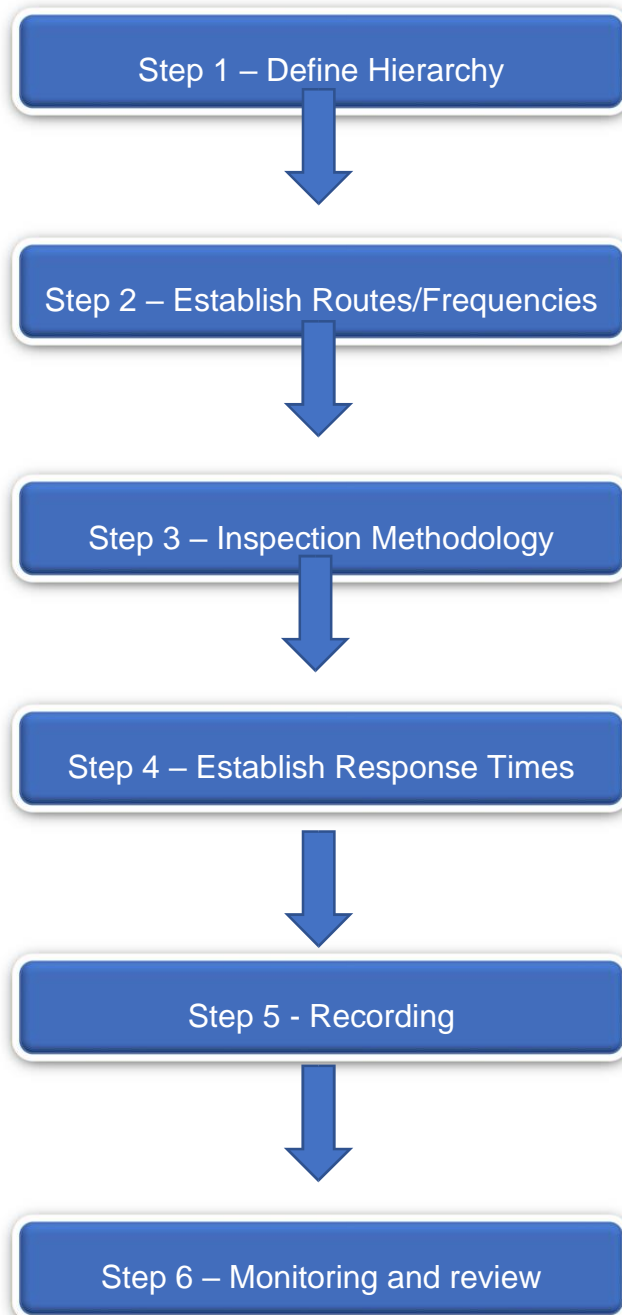
The council is responsible for managing and maintaining roads within East Lothian which are adopted public roads, maintained on the council's List of Public Roads as required by Section 1 of the Roads (Scotland) Act 1984. The definition of a road includes footpaths, footways, cycleways, verge and any bridge over which, or tunnel through which, the road passes.

Roads Safety Inspection activity is limited to roads (including remote footpaths) and car parks which are on the list of public roads.

Roads Safety Inspection activity is **not** carried out on private roads or any roads, footways, footpaths, garage areas under the control of the council which are not on the list of public roads.

Overview

The safety inspection strategy involves several key steps, explained in detail within this document. They are:



Road hierarchy forms the foundation of a risk based maintenance strategy; crucial for establishing service levels and network management

Define the physical routes of inspection, the standard frequencies and modes of inspection

A methodology inspectors can follow to assess defects to determine the level of risk and priority of response

Assign an appropriate safety level of response (time and type) to each prioritised category of risk. e.g. Priority 2 (High Risk): Repair within 5 working days.

Establish procedures for documenting safety Inspections and other key information such as inspector training and competency records

Regularly monitor and review the Safety Inspection strategy and its operation

Hierarchy

“Well-Managed Highways Infrastructure – Code of Practice” (WMHI CoP) indicates that a network hierarchy is the foundation of a risk based maintenance strategy; crucial for establishing service levels and network management.

The hierarchy definitions adopted are those provided in the SCOTS guidance which, in turn, were based upon the definitions in the Code of Practice. These are listed in Tables 1 to 3 below.

Carriageways

Table 1 below provides descriptions for carriageway categories based on those in ‘Well-Managed Highway Infrastructure: A Code of Practice’.

Table 1 Carriageway Hierarchy

Category	Hierarchy	Description
1	Strategic Route	Routes for fast moving long distance traffic with little frontage access or pedestrian traffic. Speed limits generally in excess of 40mph with few junctions. Parked vehicles are generally not encountered out with urban areas.
2	Main Distributor	Routes between strategic routes and linking urban centres to the strategic network with limited frontage access. In urban areas speed limits are usually 40mph or less.
3	Secondary Distributor	In residential and other built up areas these roads have 20 or 30 mph speed limits and very high levels of pedestrian activity with some crossing facilities including zebra crossings. On- street parking is generally unrestricted except for safety reasons. In rural areas these roads link the larger villages, bus routes and HGV generators to the Strategic and Main Distributor Network.
4	Link Road	In urban areas these are residential or industrial interconnecting roads with 20 or 30 mph speed limits, random pedestrian movements and uncontrolled parking. In rural areas these roads link the smaller villages to the distributor roads. They are of varying width and not always capable of carrying two-way traffic.
5	Local Access Road	In rural areas these roads serve small settlements and provide access to individual properties and land. They are often only single lane width and unsuitable for HGVs. In urban areas they are often residential loop roads or cul-de-sacs.
6	Minor Road	Locally defined roads

Footways

Table 2 below is based on the recommendations of 'Well-Managed Highway Infrastructure: A Code of Practice' and should be used as a starting point when allocating a footway / footpath to a particular category.

The following should also be taken into consideration:

- pedestrian volume,
- designation as a traffic sensitive pedestrian route,
- current usage and proposed usage,
- contribution to the quality of public space and streetscene,
- age and distribution of the population, proximity of schools or other establishments attracting higher than normal numbers or specific groups of pedestrians,
- accidents and other risk assessments and
- character and traffic use of adjoining carriageway.

Table 2 Footway Hierarchy

Category	Category Name	Description
1	Prestige Walking Zones	Very busy areas of town centres with high public space and Streetscene contribution.
2	Primary Walking Routes	Busy urban shopping and business areas and main pedestrian routes, including links to significant public transport locations.
3	Secondary Walking Routes	Medium usage routes through local areas feeding into primary routes, local shopping centres etc.
4	Link Footways / Footpaths	Linking local access footways through urban areas and busy rural footways.
5	Local Access Footways / Footpaths	Footways associated with low usage, short estate roads to the main routes and cul-de-sacs.
6	Minor Footways	Little used footways serving very limited numbers of properties

Cycle Routes

Cycle routes are categorised by location and a proposed hierarchy is shown in Table 3 below. **Table**

3 Cycle Route Hierarchy

Category	Description
1	Cycle lane forming part of the carriageway, commonly a strip adjacent to the nearside kerb. Cycle gaps at road closure point (no entry to traffic, but allowing cycle access).
2	Cycle track - a designated route for cyclists not contiguous with the public footway or carriageway. Shared cycle/pedestrian paths, either segregated by a white line or other physical segregation, or un-segregated.
3	Cycle trails, leisure routes through open spaces, remote from carriageway or footway / path where on the list of public roads.

Road Network Assessment

It is important that the road network categorisation reflects the needs, priorities and actual use of the network and infrastructure assets.

A focus group consisting of Team Manager – Engineer, Roads Officers (Inspectors) and Senior Road Officer (Road Safety) will review the road network against the hierarchy categories. The local road network currently has a defined road hierarchy in line with the previous policy for Road Inspections and this will be referred to as a starting point as there is likely to be common considerations at play.

Review of Road Network Categories

Road networks are dynamic, therefore network categories should be regularly reviewed, considering any changes in the network as it evolves, to ensure that assigned categories remain relevant.

Review Frequency

The hierarchy will be reviewed annually.

Continuity of safety and serviceability with neighbouring Highway Authorities

The adoption of the WMHI code of practice hierarchy and common SCOTS safety inspection methodology should, while allowing for management of hierarchies with regard to local circumstances, enable a high degree of continuity of safety and serviceability across neighbouring authorities.

Inspection Frequencies

The frequency of inspections adopted by East Lothian Council is as follows:

Table 5 Frequency of Inspection – Carriageways

Category	Hierarchy Description	Frequency
1	Strategic Route	Monthly
2	Main Distributor	Monthly
3	Secondary Distributor	Monthly
4	Link Road	Quarterly
5	Local Access Road	Annually
6	Minor Road	Annually

Table 6 Frequency of Inspection – Footways & Footpaths

Category	Category Name	Frequency
1	Prestige Walking Zones	Monthly
2	Primary Walking Routes	Monthly
3	Secondary Walking Routes	Quarterly
4	Link Footways / Footpaths	Yearly
5	Local Access Footways / Footpaths	Biennial
6	Minor Footways	Biennial

Table 7 **Frequency of Inspections – Cycle routes**

Category	Frequency
1	As carriageway
2	As footway
3	As footway

The frequencies above differ from the SCOTS guidance in relation to Category 4,5&6 footways and Category 2 and 3 Cycle Routes. The justification for this variance is set out in Appendix A.

Safety Inspection Routes

Inspection routes are determined and managed within the council's roads asset management software (WDM).

Safety Inspections on carriageways, car parks and cycleways forming part of a carriageway are undertaken in a slow moving vehicle with two personnel, one driving and the other inspecting. Consideration must be given to the safety of the inspection personnel and other road users during the driven inspections. The inspection covers all areas within the council's boundary along that road.

Inspections on footways will be undertaken on foot. Cycleways remote from carriageways will be inspected on foot or bicycle.

Inspection Tolerances

All road safety inspections will be carried out to the frequencies detailed in the following tables and should be completed within the tolerances shown in Table 4, as follows:

Table 4 Inspection Tolerances

Frequency of Inspection	Inspection Tolerances
Monthly	± 5 working days of the Due Date
Quarterly	± 10 working days of the Due Date
Six Monthly	± 15 working days of the Due Date
Annual	± 20 working days of the Due Date
Biennial	± 25 working days of the Due Date

Definition of above terms

- **Frequency of Inspection - Monthly** indicates that twelve regular spaced inspections will be carried out per year.
- **Frequency of Inspection - Quarterly** indicates that four regular spaced inspections will be carried out per year.
- **Frequency of Inspection - Six Monthly** indicates that two regular spaced inspections will be carried out per year.
- **Frequency of Inspection - Annual** indicates that one regular spaced inspection will be carried out per year.
- **Frequency of Inspection - Biennial** indicates that one regular spaced inspection will be carried out per two year.
- **Due Date** is the programmed date of an inspection.

Staff Contingency and Alterations to the Inspection Programme

- Due to the nature of the weather in Scotland it is probable that the road surface will be wet with some elements of standing or running water whilst an inspection is in progress. However if the quantity of water is excessive or across the full width of the carriageway then the inspection should be abandoned and an entry should be made to document the circumstances.
- If an inspection due date falls during an extended period of absence e.g. inspector holiday or illness, then the inspection should be allocated to another suitably experienced member of staff who has the capacity to undertake the inspection.
- If for reasons beyond the control of the roads authority (e.g. substantial snow fall), any inspection cannot be carried out in compliance with Table 4 the roads authority will decide on the viability of a safety survey being undertaken, taking into account the availability of staff and the prevailing weather conditions.
- As soon as reasonably practicable following the above events a deferred programmed safety inspection should be carried out on the affected length of road.
 - Where a monthly inspection is more than 2 weeks late then programmed inspection will be missed and the cycle resumed at the next due inspection date.
 - Where substantial unavoidable delays are incurred to other inspection frequencies the manager may assess the impact and adjust the programme. ○ A record must be kept of change decisions and reasons for them.

Inspection Methodology

Safety Inspections

Planned Cyclic Safety Inspections

The Safety Inspection regime forms a key aspect of the road authority's strategy for managing liability and risk. Planned, cyclic safety inspections are carried out to identify defects which are hazardous (to any user of the road including drivers, pedestrians, equestrians and cyclists) so that an effective repair can be carried out within a predetermined response time.

The specified frequency of these inspections is dependent upon the **hierarchy category** of each section of road but may be varied after a documented risk assessment.

During safety inspections, observed defects that provide any foreseeable degree of risk to users will be recorded and processed for repair as appropriate following the methodology detailed in the 'Defect Risk Assessment' section of this document. The degree of deficiency in the road elements will be crucial in determining the nature and speed of response. Judgement will always need to take account of particular circumstances. For example, the degree of risk from a pothole depends upon not only its depth but also its surface area, location within the road network and usage of the road or footway.

The objectives of safety inspection activity are to:

- Minimise the risk of injury and disruption to road users as far as is reasonably practicable,
- Provide a regular, structured inspection of the public road network, within available resources,
- Deliver a consistent, reliable response to identified defects, within available resources,
- Maintain accurate and comprehensive records of inspections and response and
- Provide a clear, accurate and comprehensive response to claims.

Items for Inspection

The following are examples of the types of defect which, when identified, should be assessed and an instruction for repair issued with an appropriate response time specified. The list identified below is not exhaustive.

Carriageways

- Surface defects
- Abrupt level differences in running surface
- Edge deterioration of the running surface
- Excessive standing water, water discharging onto and / or flowing across the road
- Blocked gullies and obstructed drainage channels or grips which could lead to ponding or flooding
- Debris and/or spillages likely to be a hazard
- Missing road studs
- Badly worn Stop, Give Way, double continuous white line or markings associated with TRO's
- Missing or significantly damaged covers

Footways, Footpaths and Cycleways

- Surface defects
- Excessive standing water and water discharging onto and or flowing across the foot/cycleway
- Dangerous rocking paving slabs
- Large cracks or gaps between paving slabs
- Missing or significantly damaged covers
- Debris and / or spillages likely to be a hazard
- Damaged kerbs

Street Furniture

- Damaged vehicle restraint systems, parapets, handrails or guardrails
- Damaged boundary fence where animals or children could gain access
- Damaged or missing signs, such as Give Way, Stop, Speed Limit

Road Lighting

- Damaged column, cabinet, control pillar, wall mounting
- Exposed, live electrical equipment

Traffic Management Systems

- Traffic signals, Variable Message Signs
- Damaged poles, heads, cabinet, control pillar, sign face
- Exposed, live electrical equipment

Others

- Overhead wires in dangerous condition
- Sight-lines obstructed by trees and other vegetation,
- Trees in a dangerous condition
- Earthslips where debris has encroached or is likely to encroach the road or causing the road to fall away
- Rocks or rock faces constituting a hazard to road users
- Damaged road structures

Risk Management Process

Inspectors undertaking safety inspections or responding to reported incidents require to use judgement in determining likelihood and consequences of the observed or reported defects. This approach is consistent with 'Well-Managed Highway Infrastructure: A Code of Practice' recommendation that roads authorities adopt a system of defect risk assessment for determining the response categories to road defects. However, it represents a step change in the way that defects are assessed. Taking a risk based approach, as per the above code of practice, means that there are NO prescriptive investigation or intervention levels to apply. The rationale for removing these is that the same defect will represent a different level of risk in a different context. In the past this has led to inappropriate and often unnecessary, costly, temporary repairs. Instead, by using a risk based approach, councils can reduce such reactive interventions and target more of their scarce resources towards programmed work that in the longer term will lead to an overall improvement of road condition.

So while not providing any minimum or default standards, the code of practice does support the development of local levels of service in accordance with local needs, priorities and affordability.

A series of public engagement events on the Local transport Strategy and supporting strategies on– active travel, local transport, parking, road maintenance and road safety were undertaken.

Consultation with the public and stakeholders highlighted general agreement with road maintenance policies to apply preventative maintenance treatments, to target the worst condition and apply whole of life practices to footways, and to upgrade street lighting to LED standards with galvanized columns. Specific narrative on inspection regimes sought to improve frequencies and employ better decision making practices. Accordingly, the new inspection criteria will address some of the points raised through this consultation process. The local Transport Strategy and associated plans were adopted by Council on 30th October 2018.

Establishing Context

Establishing context requires the inspector to utilise experience and knowledge during the inspections to assess the road characteristics, such as giving consideration to environment (speed limit, width, rural/urban, road hierarchy, visibility, bend, hill - incline/decline, road camber/crossfall, etc.), relevant road user types (pedestrians, cyclists, horse riders, cars, LGV's, HGV's, PSV's, etc.), traffic volumes, maintenance history, historical incidents/claims/complaints (e.g. experience/knowledge of similar hazards being a contributory factor to incidents/claims within the authority or a neighbouring authority), demographics and key local amenities (proximity to doctors surgery, hospitals, shopping areas, schools, etc.).

Risk Assessment

Taking the context into consideration, Risk Assessment is a three step process:

1. Hazard Identification

An inspection item for which the inspector identifies road asset defects which may pose a risk to road users i.e. lead to a negative consequence. The types of asset to be inspected and the potential associated hazards from defects are detailed in the Inspectors Operations Manual.

2. Risk Analysis

All risks identified through this process must be evaluated in terms of their significance which means assessing the **likelihood** of encountering the hazard and the **most probable** (not worst possible) **consequence** should this occur.

The procedure is designed to mitigate 'worst scenario' thinking and ensure an objective assessment is carried out. It is important therefore that the analysis is carried out in this defined step sequence to determine the appropriate level of risk and corresponding priority response.

Risk Likelihood

The risk likelihood is assessed with regard to how many users are likely to pass by or over the defect, consequently the network hierarchy and defect location are important considerations in the assessment.

The likelihood of encountering a hazard, within the established context, will be quantified on a scale of Remote to Almost Certain as follows:

Table 8 Risk Likelihood

Likelihood / Probability	Likelihood Description	
Almost Certain	Will undoubtedly happen	Daily
Likely	Will probably happen, but not a persistent issue	Monthly
Possible	May happen occasionally	Annually
Unlikely	Not expected to happen, but it is possible	10 years
Remote	Improbable	20 years

Risk Consequence

The risk consequence is assessed by considering the most probable (NOT worst possible) outcome (impact) should the risk occur and will be quantified on a scale of Negligible to Catastrophic as follows:

Table 9 Consequence (Impact/Severity) Score

Consequence (Impact/Severity)	Description			
	Impact on Service Objectives	Financial Impact	Impact on people	Impact on Reputation
Catastrophic	Unable to function, inability to fulfil obligations	Severe financial loss	Death	Highly damaging, sever loss of public confidence
Major	Significant impact on services provision	Major financial loss	Extensive injury, major permanent harm	Major adverse publicity, major loss of confidence
Moderate	Service objectives partially achievable	Significant financial loss	Medical treatment required, semi-permanent harm up to 1 year	Some adverse publicity, legal implications
Minor	Minor impact on service objectives	Moderate financial loss	First aid treatment, non-permanent harm up to 1 month	Some public embarrassment, no damage to reputation
Negligible	Minimal impact, no service disruption	Minimal financial loss	No obvious harm/injury	No interest to the press, internal only

3. Risk Evaluation

The risk factor for a particular risk is the product of the risk impact and risk. It is this factor that identifies the overall seriousness of the risk and consequently therefore the appropriateness of the speed of response to remedy the defect. Accordingly, the priority response time for dealing with a defect can be determined by correlation with the risk factor as shown in the risk matrix, table 10:

Table 10 Risk Matrix

Consequence	Negligible	Minor	Moderate	Major	Catastrophic
Likelihood					
Remote	NR	NR	NR	NR	P3
Unlikely	NR	NR	P4	P4	P3
Possible	NR	P4	P4	P3	P2
Likely	NR	P4	P3	P2	P1
Almost Certain	NR	P3	P2	P1	P1

Risk Management Response

Having identified a particular risk, assessed the likelihood of it occurring and most probable consequence (impact/severity) and thus calculated the risk factor, the appropriate response is identified in the form of a risk management (response) matrix, Table 11.

Table 11 Risk Management Matrix

Risk Category	Priority Response
Critical Risk	Priority 1 response
High Risk	Priority 2 response
Medium Risk	Priority 3 response
Low Risk	Priority 4 response
Negligible Risk	No response

Intersections and Multiple Road Users Types

The hazard context considers the location and the types of road users which could be impacted by the defect. Inspectors should consider the different impacts and consequences for each road user type (e.g. pedestrians, cyclists, vehicle drivers, etc.) and at intersections, consider the hierarchy of each route. Inspectors **must therefore assess the likelihood and consequence for each road user type and/or route hierarchy**. The priority of the response is based on the highest priority determined from the risk matrix (Table 10).

Utility Company Defects

Section 140 of the New Roads & Street Works Act 1991 places a duty on undertakers (utilities) to maintain their apparatus to the reasonable satisfaction of the Roads Authority. However recent case law has shown that Roads Authorities have a joint liability with the undertakers.

If a defective utility apparatus or works cause a hazard, the inspector will record this and contact the council's Public Utilities (PU) team. The PU team will contact the appropriate utility company who will be given the opportunity to commence repairs or make safe the defect within the timescales and in accordance with the process set out in the "Code of Practice for Inspections", Scottish Roadworks Commissioner, November 2012.

In the case of Category 1 (dangerous) defects (as defined in the SRWC CoP as a 2 hour response), the council's Inspector will make safe if practicable. If the utility company cannot be identified or cannot attend within the required timescales, the Inspector will arrange for work to be undertaken by the council. In the appropriate circumstances, the council will seek to recover reasonable costs of remedial work from public utilities.

Inspection Records

All information obtained from safety inspections, together with the nature of response, including nil returns, shall be recorded consistently. The data obtained shall be able to be reviewed independently and in conjunction with other survey information. It shall be collected on electronic mobile devices (tablets or phones) and automatically transferred to the WDM asset management system or similar. Service requests, complaints, reports or information from users and other third parties shall also be recorded in the WDM system, along with the nature of response, including nil returns. All inspection records shall include the date, time and the name of the person conducting the inspection. Any defects identified will be recorded on the WDM system with photographs (if practicable) and again will include the date, time and name of person raising the defect.

Priority Response Times

Safety Levels

The Priority Response Times for each Defect Category are shown in Table 12 below.

Table 12 SAFETY LEVELS - Defect Priority and Response Times

Defect Priority	1	2	3	4	NR
Standard Response Time	24 Hours				
Islands or Remote Locations Response Times	n/a	5 Working Days	60 Working Days	Programmed work	No Action required

Priority 1: Make safe within 24 Hours

Priority 1 represents a critical risk to road users and should be corrected or made safe at the time of inspection, if reasonably practicable. In this context, making safe may constitute displaying warning signs and / or coning off to protect the public from the defect. Where reasonably practicable, safety defects of this Priority should not be left unattended until made safe or, a temporary or permanent repair has been carried out.

When a Priority 1 defect is identified within a larger group / area of defects, only that particular element shall be treated as a Priority 1 defect. The remaining defects shall be categorised accordingly.

Priority 2: Repair within 5 Working Days.

This allows a more proactive approach to be adopted for those defects that represent a high risk to road users or because there is a risk of short-term structural deterioration. Such defects may have safety implications, although of a lesser significance than Priority 1 defects, but are more likely to have serviceability or sustainability implications.

Priority 3: Action within 60 Working Days.

Defects that require attention although they represent a medium risk to road users. This allows defects of this nature to be included in medium term programmes of work.

Priority 4: Consider for Planned Works Programme

The defect is considered to be of low risk; no immediate response is required. Defects in Priority 4 are not classed as safety defects and are collected to assist the development and prioritisation of Planned Maintenance Works Programmes.

NR: NO Action Required

The defect is considered to be of negligible risk, no intervention is required and monitoring will continue as per the inspection regime.

Meeting Target Response Times

It may not be possible, particularly at certain times of year, to meet target response times, due to pressure on resources. This could, but not exclusively, be due to the high number of defects that can arise in a short period of time after periods of adverse weather, such as prolonged spells of heavy rain or snow, or freeze / thaw conditions. Prolonged periods of adverse weather may also prevent remedial measures being carried out.

The appropriate response time commences from the time that the defect was identified and categorised by an Inspector.

Performance Monitoring

Monitoring of safety inspection performance is undertaken at two levels:

Weekly reports on the number of inspections are reviewed by the Team Manager - Engineering and compared with the expected number of inspections to be undertaken in line with the programme.

Monthly reports on inspections undertaken, number undertaken on time, defects raised, jobs completed and times for job completion are produced and reviewed by the Roads Engineering Team on a monthly basis. A specific performance indicator for the percentage of priority 1 jobs completed within 24 hours is reported monthly. The performance information is used to identify issues and drive continual improvement within the service.

Each Inspector shall have a sample of inspections re-inspected to ensure consistency and quality of the Safety Inspection regime is maintained. These re-inspections shall be carried out within 24 hours of the original inspection and will cover various sections of the hierarchy over the year. The results will be reviewed by the Team Manager - Engineering and additional training if required will be identified.

Inspector Competency

For the purpose of this document, the term 'Inspector' is defined as 'a person who the road authority has assessed and certified as competent to identify and undertake a risk assessment of a road asset defect and if required, determine the risk treatment'. Therefore, within this document, 'inspector' is not utilised exclusively for a person who mainly completes the routine road asset safety inspections, but can include technicians, engineers or other staff within the authority who have been assessed by the authority to achieve the authority's required level of competency.

Training

Road Authorities must ensure that all Road Asset Safety Inspectors are competent in carrying out safety defect inspections.

As a minimum, Inspectors within East Lothian Council will undergo the SCOTS Risk-based Approach to Safety Defect Inspections training and be required to achieve a pass grade on the course assessment to demonstrate competency in assessing risk. Training will be delivered by senior staff (Team Manager) trained utilising the SCOTS training toolkit. The person delivering the training will be required to have been trained and assessed as competent, through SCOTS.

In addition, inspection staff whose day-to-day activities involve identifying defects and assessing risk will undergo additional training to the equivalent to the Scottish Credit and Qualifications Framework Level 6 National Highway Safety Inspectors Training and Certification Scheme, operated by the Institute of Highway Engineers where reasonably practicable. New inspectors joining the organisation without this level of training will be given in-house training provided by the safety inspection team (and

assessed by the Engineer/Senior Engineer) to achieve consistency in the identification of safety defects and the prioritisation of defect repairs in accordance with the guidance set out in this policy.

Training Plans

Courts accept that there may be circumstances where an inspector is new to the role and will have to build up their experience, training and competency. In such cases, or where an existing inspector does not meet the required standard, the Team Manager - Engineering shall work with the inspector to develop, document and implement a Training Plan to assist them to meet the necessary level of competency.

The Training Plan is evidence that the road authority is supporting the inspector, assisting them to achieve the level of competency required and ensuring consistency across the authority's inspectors.

Review of inspector training plans will be conducted at regular intervals as part of the Performance Review and Development (PRD) to ensure the plan is progressing as anticipated, to sign off key areas completed and to amend the plan, if required.

Records of the reviews and any actions shall be maintained and held against the inspector's "Training and Competency" record.

Training and Competency Records

Inspector training and competency records will be maintained and reviewed annually for completeness and to identify when inspector re-assessment is due to ensure that they continue to meet the road authority's minimum competency requirements.

Other Inspections

Reactive Safety Inspections – Externally Reported Defects

Road authorities receive reports of defects from a number of different sources, such as the Police, Emergency Services, general public, public utilities and other agencies; these Service Request reports are managed as follows:

Service requests or reports of defects will be inspected at the earliest opportunity, within a maximum period 5 working days of receipt and any identified defects. The risk assessment methodology outlined in the "Defect Identification and Risk Assessment Process" section of this document will also be adopted for reactive safety inspections. Any individual safety-related defect identified and inspected outside a planned or ad-hoc cyclic safety inspection must be recorded

Road Condition Inspections

Undertaken to assess the general condition of the individual carriageway and footways and the need for planned structural maintenance which can be programmed accordingly.

Visual condition surveys (Needs Assessment) for identified carriageways and footways are undertaken on a yearly basis, the Officer will rate a series of predetermined question (Appendix B) and the results recorded in the council's WDM asset management system. Others factors including the number of recorded potholes, recorded complaints and the Road Condition Index are added to a predetermined formula which then provides the overall needs assessment rating.

The Road Condition Index figure is applicable to the carriageway only and is obtained through the national Scottish Road Maintenance Condition Survey (SRMCS). These surveys are undertaken are carried out by a specialist contractor using vehicles accredited annually by TRL (Transport Research Laboratory). TRL also undertakes quality assurance checks throughout the year, the vehicles are equipped with lasers and high resolution cameras, to collect data for processing by computer and currently record:-

- a) The road geometry (gradient and shape)
- b) Variations in the longitudinal profile (evenness of ride along the road)
- c) Transverse profile variance (deformation across the road)
- d) Wheel track rutting / deformation in the wheel path
- e) The presence of cracking within the carriageway
- f) Texture (roughness of the surface of the road)
- g) The extent of edge deterioration (due to over-riding or lack of lateral support)

The UK standard Road Condition Index (RCI) categorises each ten metre section of road to Green, Amber or Red depending on the overall defect score.

Visual condition surveys for footways will be programmed and undertaken with the aim of achieving full network coverage approximately every five years. However, this will be dependent on resources.

Safety Inspection of Roads Trees

Any defective trees, hedges or shrubs or feature likely to cause an obvious danger by encroachment, visibility obstruction, damage, ill health or trip hazard is recorded and the appropriate action taken. Under Section 83, or 91, of the Roads (Scotland) Act 1984, East Lothian Council deals, by consultation with the owners and if required a Notice, with hedges, trees and shrubs growing on adjacent land which overhang the road.

East Lothian Council carries out additional tree inspections with qualified arboriculturalists.

All Safety Inspectors receive some basic arboricultural guidance but a qualified arboricultural advisor carries out an inspection when specialist knowledge is required. Their advice is also sought before any work is carried out on tree roots causing a problem to a footway surface. Qualified tree surgeons will be used when conducting tree maintenance work for East Lothian Council.

APPENDIX A – ASSESSMENT OF RISK

This document provides an assessment of risk to East Lothian Council associated with key aspects of where it deviates from SCOTS guidance or previous council practice.

FOOTWAY INSPECTIONS

Description of risk

The inspection frequency is not aligned with the SCOTS recommendations for Link, Local Access and Minor footways.

Assessment

SCOTS recommends scheduled inspections of footpaths defined as link or local access as shown in Table 1.

Footpath hierarchy	SCOTS recommendation	ELC Inspection Frequency
Town Centre	1 month	1 month
Primary	1 month	1 month
Secondary	3 months	3 months
Link	6 months	Yearly
Local access	1 Year	Biennial
Minor	1 Year	Biennial

Table 1 – Footpath inspection frequency

The recommendations recognise that the risk to road users is dependent on the footfall on different categories of footway. Therefore, the busiest footpaths are inspected most often.

The designation of Prestige, Primary and Secondary routes considers the location of facilities such as schools, community centres, health centres and care homes. The currently policy for Road Inspections states that all footways / footpaths maintained by East Lothian Council as Roads Authority are walked on a biennial basis. Taking in to consideration the recommended increase in frequency for inspection of Prestige, Primary and Secondary footways a considerable resource will be required to meet this requirement, which can be met within the existing establishment set-up. However, in doing so, the

current resource will not be able to meet the footway inspection frequency as recommended by SCOTS for Link, Local Access and Minor footways. Minor footways inspection frequency will deviate from the recommended, with Link footway's inspected on a yearly basis and Local and Minor inspected on a biennial basis. However, this will be the footpaths with the least footfall and therefore, the least exposure to risk for pedestrians if a defect is present.

Current resources for safety inspection amount to 3.0FTEs and one vehicle. It is estimated that to provide the coverage of the entire footway network in line with the code of practice guidance would require an additional 1.0FTEs. This is estimated to cost an additional £40,000 per annum.

The undertaking of inspections on link, local and minor footways in line with the SCOTS recommendations would be expected to reduce the claims experience to some degree. However, the cost of providing a full proactive inspection regime would be considerably greater than the estimated reduction in claims cost associated with providing the service.

The footway condition survey programme will recommence in 2020 with a target of re-inspecting every footway within a rolling 5 year period. The introduction programme of condition surveys will strengthen the Council's case in successfully defending claims.

Mitigating Factors

The council undertook a comprehensive footway condition survey in 2013/14, in line with the Society of Chief Officers of Transportation in Scotland (SCOTS) guidance. The overall condition is considered good with only 3.0% of the footway network with major deterioration. The surveys also identified that only 23% of the footpath network had minor deterioration meaning that 74% of the network was in satisfactory condition. The current annual capital investment (18/19) level is expected to see the overall level of major deterioration gradually reduced to 0%.

Finally, the council aims to respond to reports of defects within 5 working days. This goes some way to reduce the risk of danger to pedestrians and thereby the claims experience.

Conclusions

The cost of introducing scheduled inspections in line with the SCOTS guidance is estimated to be an additional £40,000 per annum and whilst it is estimated that this would reduce the number of annual claims in the Link, Local and Minor footways, however, the cost of providing a full proactive inspection regime would be considerably greater than the estimated reduction in claims cost associated with providing the service.

Inspection frequency will be increased for Prestige, Primary, Secondary and Link which is expected to result in a reduction in the claims experience. The current level of inspection frequency will be maintained for Local and Minor footways and footpaths.

Existing footpath condition is considered to be satisfactory and the ongoing programme of capital improvements is expected to maintain this condition.

The evidence suggests that the cost of introducing inspections in line with the SCOTS guidance would not be justified by the expected reduction in claims experience at the present time but this position should be reviewed in line with future reviews of the inspection manual.

CYCLE ROUTE INSPECTIONS

Description of Risk

The council procedures will not include scheduled inspections of cycle routes separately from inspections of carriageways or footways. This differs from the CoP and the SCOTS guidance which recommends inspections either 6 monthly or annually.

Assessment

Currently, we do not have a defined cycle route network within our asset inventory. However, there are signed cycle routes i.e. Sustrans National Cycle Network and John Muir Way cycle route. There are significant challenges in identifying routes that have been properly designated as for cyclists as opposed to routes which are footpaths but used by cyclists. We currently undertake inspection as if cycle routes are either a carriageway (where the cycle lane is on a carriageway) or a footpath (where the cycle track is not on a carriageway). This means that if the footpath is designated as a primary or secondary walking route it will be inspected monthly or quarterly respectively.

However, active travel is being promoted both nationally and locally and it is expected that cycling rates will increase in the coming years. Work will therefore be required to identify a designated cycle network within our asset management system and give further consideration to the inspection regime in due course.

Conclusion

The council's current roads asset management system (WDM) does not contain an identified cycle route network. Cycle routes will therefore be inspected as per carriageways and footways. However, in the longer term a cycle route network will be added to our asset management inventory.

APPENDIX B – NEEDS ASSESSMENT

CARRIAGEWAY NEEDS ASSESSMENT

Route number Road hierarchy

Road name Assessor

Town Date of assessment

Attach a scale plan highlighting area assessed or detail extent below:-

.....

To complete the following table please refer to the Needs Assessment for Carriageways Guidance

ITEM	CATEGORY	RATING	REMARKS
1	Drainage Condition		
2	Depressions in Carriageway		
3	Surface Deterioration		
4	Overall Carriageway Condition		
	STAGE 1 TOTAL		

Is carriageway scheme linked with adjacent footway works? YES/NO

Are there drainage issues to be resolved at this location? YES/NO

Recommendation for maintenance treatment of the carriageway assessed?

- | | | |
|--|---|---|
| <input type="checkbox"/> Overbanding | <input type="checkbox"/> Patching | <input type="checkbox"/> Carriageway resurfacing |
| <input type="checkbox"/> Carriageway overlay | <input type="checkbox"/> Carriageway recycling | <input type="checkbox"/> Carriageway reconstruction |
| <input type="checkbox"/> Surface dressing | <input type="checkbox"/> Slurry/micro surfacing | <input type="checkbox"/> None |

Approx area of works:-

Are there any defects needing immediate attention:-

Any other relevant comments/information:-

.....

.....

FOOTWAY NEEDS ASSESSMENT

Location Assessor

..... Assessment date

Town Footway category

Detailed Description of Extent Assessed (attach GIS Scale Plan):-

.....

Description of existing footway:-

.....

Footway Length:- Average Width:-

Recommended treatment :-

- Patching
- Footway resurfacing
- Footway reconstruction
- Slab repairs
- Footway retread
- Replace grano with bituminous
- Grano repairs
- Slurry surfacing
- Replace slabs with bituminous
- Other

Is footway scheme linked with carriageway work? Yes/No

Are there any defects that require attention:-

Footway Hierarchy

Category	Description	Factor
Prestige Walking Zones	Very busy areas of town centres with high public space and Streetscene contribution	2.0
Primary Walking Routes	Busy urban shopping and business areas and main pedestrian routes	2.0
Secondary Walking Routes	Medium usage routes through local areas feeding primary routes, local shopping areas	1.8
Link Footways	Linking local access footways through urban areas and busy rural footways	1.6
Local Access Footways	Footways associated with low usage, short estate roads to main routes and cul-de-sacs	1.4
Minor Footways	Little used rural footways serving very limited numbers of properties	1.2

Footway Condition

Defect	Definition	Recorded as	Score	Notes
As New	Brand new footway, Recently reconstructed	Percentage defective: 0%		
Aesthetically Impaired	Sound footways with patching Modular footways with sound bituminous patches Modular footways with elements of different colour/age/material, Faded bituminous material	Percentage defective: 0-25%=1 25-50%=2 50-75%=3 75-100%=4		
Functionally Impaired	Cracked but level flags/blocks, Missing filler, Minor surface deterioration/fretting/fatting, Including the appearance of moss. Minor cracking, minor scaling and moderate local settlement/subsidence from 10mm to 30mm	Percentage defective: 0-25%=5 25-50%=6 50-75%=7 75-100%=8		
Structurally Unsound	Cracked and or depressed flags or blocks exceeding 13mm. Depressed or missing blocks. Major fretting and potholing. Major cracking, Major scaling, Poor shape, severe local settlement / subsidence creating a difference in level greater than 30mm. Trips exceeding 13mm	Percentage defective: 0-25%=10 25-50%=12 50-75%=14 75-100%=16		

Total Score (Footway Condition Score x Footway Hierarchy Factor)

REPORT TO: Cabinet

MEETING DATE: 12 November 2019

BY: Depute Chief Executive (Partnership and Community Services)

SUBJECT: East Lothian Council Gaelic Language Plan 2019 - 2024

4

1 PURPOSE

- 1.1 To present the East Lothian Council Gaelic Language Plan 2019-2024 for approval.

2 RECOMMENDATIONS

- 2.1 That Cabinet approves the East Lothian Council Gaelic Language Plan 2019-2024.

3 BACKGROUND

- 3.1 The Gaelic Language (Scotland) Act 2005 established a new national agency, Bòrd na Gàidhlig to prepare a national Gaelic Language Plan and gave it authority to request public authorities (including local authorities) to prepare and publish Gaelic Language Plans.
- 3.2 East Lothian Council was one of the last four councils to be asked to prepare a plan. The Chief Executive received notification from Bòrd na Gàidhlig in May 2018, that the Council has to prepare and publish a plan by November 2019. The notification set out the high level aims that the Plan should meet.
- 3.3 East Lothian Council's draft Gaelic Language Plan (Appendix 1) was prepared in accordance with statutory criteria set out in the 2005 Act, and having regard to the *National Gaelic Language Plan* and the *Guidance on the Development of Gaelic Language Plans* produced by Bord na Gaidhlig.

- 3.4 It sets out how the council will use Gaelic in the operation of its functions, how it will enable the use of Gaelic when communicating with the public and key partners, and how it proposes to promote and develop Gaelic.
- 3.5 The key components of the Gaelic Language Plan are:

Chapter 1 – Introduction

This chapter provides the background and context relating to the preparation of Gaelic Language Plans under the 2005 Act and the structure of East Lothian Council's main areas of operation. It also provides some background information on the use of the Gaelic language in East Lothian.

Chapter 2 – Commitments

This chapter sets out how East Lothian Council will use, and enable the use of, Gaelic in relation to our main business functions. It covers key areas of operation such as corporate identity, signage, communication with the public and the use of Gaelic on our website. This chapter sets out the level of Gaelic language provision to which we are committed to providing in the lifetime of the Plan.

Chapter 3 – Implementation and Monitoring

This chapter sets out how the implementation of our Gaelic Language Plan will be taken forward, and how implementation and outcomes will be monitored.

- 3.6 The draft plan was put out to public consultation from 17 September until 20 October. Only two responses were submitted from two individuals. Both of these respondents were very critical of the requirement for the Council to have a Gaelic Language Plan but made no specific comments on the aspirations or content of the draft plan. Consequently no amendments have been made to the draft plan.
- 3.7 The draft plan is presented to Cabinet for approval. Following approval by Cabinet the Plan has to be submitted for approval to Bòrd na Gàidhlig.

4 POLICY IMPLICATIONS

- 4.1 Adopting the Gaelic Language Plan will fulfil the Council's statutory requirement to produce a plan as directed by Bòrd na Gàidhlig under the Gaelic Language (Scotland) Act 2005. The Plan sets out how the Council will use, and enable the use of, Gaelic in relation to our main business functions.

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 – Within the current economic situation East Lothian Council does not have any additional resources to deliver any major initiatives to expand Gaelic language provision, Gaelic language training or overhaul its corporate identity to incorporate Gaelic. Any developments or initiatives to promote Gaelic will be undertaken within existing resource capacity. Any costs associated with the actions detailed in the Plan that cannot be contained within existing budgets will be the subject of separate reports detailing the requirement for additional funding.
- 6.2 Personnel – none.
- 6.3 Other – none.

7 BACKGROUND PAPERS

- 7.1 Appendix 1: Draft East Lothian Council's Gaelic Language Plan 2019-2024

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DATE	31/10/2019

EAST LoTHIAN COUNCIL GAELIC LANGUAGE PLAN 2019 – 2024

Plana na Gàidhlig

This plan has been prepared under Section 3 of the Gaelic Language (Scotland) Act 2005

FOREWORD

This is East Lothian Council's first Gaelic Language Plan, and sets out our ambitions for Gaelic over the next five years, to 2024.

Our aim is to contribute to the Scottish Government's vision of safeguarding the future sustainability of the Gaelic language by enhancing the profile of the language and providing more opportunities for our communities to communicate in Gaelic. The plan will also support implementation of the Scottish Government's National Outcome 'We take pride in a strong, fair and inclusive national identity'.

We see this first iteration of our Gaelic Language Plan as a starting point for developing and improving our current Gaelic provision. Our commitments within the Plan set out what we will do to raise the status of Gaelic in a proportionate way whilst meeting our commitment to the aspirations and objectives included in the National Gaelic Language Plan and the Gaelic Language (Scotland) Act 2005.

*Angela Leitch
Chief Executive
East Lothian Council*

DRAFT

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Summary

East Lothian Council recognises that Gaelic is an integral part of Scotland's heritage, national identity and cultural life. East Lothian Council is committed to the objectives set out in the *National Gaelic Language Plan* and has put in place the necessary structures and initiatives to ensure that Gaelic has a sustainable future in Scotland.

East Lothian Council recognises that the position of Gaelic is extremely fragile and if Gaelic is to be revitalised as a living language in Scotland, a concerted effort on the part of government, the public and private sectors, community organisations and individual speakers is required to:

- enhance the status of Gaelic;
- promote the acquisition and learning of Gaelic;
- encourage the increased use of Gaelic.

This document is East Lothian Council's Gaelic Language Plan prepared within the framework of the Gaelic Language (Scotland) Act 2005. It sets out how we will use Gaelic in the operation of our functions, how we will enable the use of Gaelic when communicating with the public and key partners, and how we will promote and develop Gaelic.

This Gaelic Language Plan has been prepared in accordance with statutory criteria set out in the 2005 Act, and having regard to the *National Gaelic Language Plan* and the *Guidance on the Development of Gaelic Language Plans*.

The key components of our Gaelic Language Plan are:

Chapter 1 – Introduction

This chapter provides the background and context relating to the preparation of Gaelic Language Plans under the 2005 Act and the structure of East Lothian Council's main areas of operation. It also provides some background information on the use of the Gaelic language in East Lothian.

It shows how we intend promoting the use of Gaelic in service planning and delivery and how we will take account of Gaelic and our Gaelic Language Plan when drafting new policies and considering new strategies.

Chapter 2 – Commitments

This chapter sets out how East Lothian Council will use, and enable the use of, Gaelic in relation to our main business functions. It covers key areas of operation such as corporate identity, signage, communication with the public and the use of Gaelic on our website. This chapter sets out the level of Gaelic language provision to which we are committed to providing in the lifetime of the Plan.

Chapter 3 – Implementation and Monitoring

This chapter sets out how the implementation of our Gaelic Language Plan will be taken forward, and how implementation and outcomes will be monitored.

1. INTRODUCTION

The Gaelic Language Plan

The Gaelic Language (Scotland) Act 2005 (The Act) seeks to secure the status of the Gaelic language as an official language of Scotland commanding equal respect to the English language.

The Act builds on and sits beside other measures to support the rights of minority languages, including: the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992); and, the Council of Europe's European Charter for Regional or Minority Languages (1992).

The Act established Bòrd na Gàidhlig as an executive non-departmental public body, responsible through Ministers to the Scottish Parliament with responsibility for promoting Gaelic development and providing advice to the Scottish Ministers on Gaelic issues. The Act requires Bòrd na Gàidhlig to prepare a National Gaelic Language Plan and gives it the power to request that public authorities, including local authorities, prepare and publish Gaelic Language Plans. This provision was designed to ensure that the public sector in Scotland plays its part in creating a sustainable future for Gaelic by raising its status and profile and creating practical opportunities for its use.

Bòrd na Gàidhlig provides public authorities with official notification of when they must prepare their Plan and details of the high level aims which should be met by the Plan. East Lothian Council received official notification from Bòrd na Gàidhlig in May 2018 that it has to prepare a statutory Gaelic Language Plan under the framework of the Act. The notification set out the corporate service aims and seven high level aims the Plan should meet under three headings.

Using Gaelic – support existing and new Gaelic language and culture groups in East Lothian to help grow the profile and use of Gaelic.

Promoting Gaelic – undertake the duty outlined in the Education (Scotland) Act 2016 to promote, in such manner as it thinks appropriate, the potential provision for Gaelic medium and Gaelic learner education to East Lothian residents, including the opportunity that exists under this Act for parents to request the establishment of Gaelic medium education.

Once approved by Bòrd na Gàidhlig, promote the plan and its key commitments to residents of the council area.

Include aspects of Gaelic language and culture to pupils' education by East Lothian Council, with the aim of attracting more young people to learn and use Gaelic.

Learning Gaelic – establish a dialogue with the Gaelic Learning in the Primary School (GPS) consortium, with a view to establishing Gaelic Learner Education within the council area during the lifetime of the plan.

Support families and groups of families within the Council area to access opportunities for Gaelic early years and/ or primary school provision.

Support and encourage Gaelic learning opportunities for adults in East Lothian Council area, including an active and on-going dialogue with Newbattle Abbey College.

The Act requires public bodies to bring the preparation of their Gaelic Language Plan to the attention of all interested parties. East Lothian Council has consulted publicly on the draft of its Gaelic Language Plan and has taken into account representations made to it during the consultation process.

East Lothian Council

One of Scotland's most scenic areas, East Lothian covers some 270 square miles and includes some 43 miles of coastline. It extends from Musselburgh, its largest town, eastwards to Dunbar and beyond to its boundary with Scottish Borders. Other principal towns in East Lothian are Haddington, Tranent, North Berwick and Prestonpans.

East Lothian currently has a population of around 105,000 and is one of Scotland's fastest growing local authority areas with projected population growth of around 1,000 a year over the next 20 years.

East Lothian Council is committed to working together with its partners and the people and communities of East Lothian to achieve the vision that '*East Lothian should be even more prosperous, safe and sustainable, with a dynamic and thriving economy that enables our people and communities to flourish.*'

East Lothian Council is responsible for over 100 public services including education, adult social work, children's services, community housing, environmental health, leisure, planning, building control, waste management, roads maintenance, civil registrations, burial grounds, licensing services and economic development.

In partnership with our communities we have identified four strategic themes, which lie at the heart of the Council Plan

Growing our Economy – to increase sustainable and inclusive economic growth as the basis for a more prosperous East Lothian.

Growing our People – to give our children the best start in life and protect vulnerable and older people.

Growing our Communities – to give people a real say in the decisions that matter most and provide communities with the housing, transport links, community facilities and environment that will allow them to flourish.

Growing our Capacity – to deliver excellent services as effectively and efficiently as possible within our limited resources.

These are set within the context of an overarching aim to ‘*reduce inequalities within and across our communities.*’

The council employs around 4,800 employees (c.3,800 permanent, 550 temporary and 400 casual/ relief staff). Over 1,500 fte staff (43.5% of the total) are employed in the education service, including teachers and support staff.

East Lothian Council operates from three main offices: John Muir House (Haddington), Penston House and Randall House (both in Macmerry). The Council has 230 operational properties including secondary schools, primary and nursery schools, Children’s Homes and a Child and Family Centre, Care Homes, 12 libraries and Community Centres.

Gaelic in East Lothian

Lowland Scots rather than Gaelic would have been spoken in East Lothian. However, there are some examples of place names in East Lothian having Gaelic origins, such as:

- Cuil Choinnich – Cockenzie (the neuk of Coinneach – Kenneth)
- Craobhbarraidh – Carbery (at the palisade)
- Fan Taisidh – Phantassie (at the damp slope)
- An garbh-Allt – Garvald (the rough burn)¹

The Jacobite army that fought in the Battle of Prestonpans (1745) was largely made up of Gaelic speaking Highland clansmen and the interest in commemorating the Battle has resulted in the provision of some bi-lingual road signs and place names around the battlefield site.

The 2011 census recorded 728 people in East Lothian with some understanding or ability to speak, read or write Gaelic. Just under 400 of these self-reported as being able to speak Gaelic – 0.41% of the population aged over 3, compared to 1.1% across Scotland. The detailed breakdown of the 2011 census data showed:

- 251 people understand but do not speak, read or write Gaelic
- 171 people speak, read and write Gaelic
- 180 people speak but do not read, or write Gaelic
- 46 people speak and read but do not write Gaelic
- 56 people read but do not speak or write Gaelic
- 24 people with some other combination of skills in Gaelic.

The council currently has no data on the number of Gaelic speakers or Gaelic learners amongst its staff. It is due to carry out a staff skills audit in 2020 and this will allow it to gather such information.

¹ Research by Ainmean-Alte na h-Alba & Bord na Gaidhlig

Gaelic in an education setting

East Lothian Council recognises and values and importance of Gaelic language as part of strategic planning and development of language learning and of the rights of our young people to access education in Scotland's indigenous languages.

In terms of education, Gaelic is defined by two distinct approaches to development; Gaelic Medium Education (GME) and Gaelic Learners Education (GLE).

“Gaelic Medium Education is high-quality learning through immersion. Alternative models lead to the dilution of standards and as such are non-compatible with the development of strong and sustained GME.” Education Scotland Lead Inspector for GME, Joan Esson, June 2015

Nationally, GME is defined by Education Scotland as follows: GME is based on the principle of language immersion. GME provision should encompass the four contexts of the curriculum within Curriculum for Excellence:

- the ethos and life of the school as a community
- curriculum areas and subjects
- interdisciplinary learning
- opportunities for personal achievement

Education Scotland strongly advises that GME is not merely language learning, it is also the delivery of subjects through the medium of Gàidhlig and Gàidhlig at the heart of the life, culture and ethos of the school.

The Education Scotland Act (2016) and Statutory Guidance on Gaelic Education include three key proposals regarding GME:

1. Authorities have a duty to promote and support GME
2. Establishment of a statutory process for authorities to assess parental requests for GME
3. Development of statutory guidance arrangements for the delivery of Gaelic education in schools and by authorities

Gaelic Medium Education in East Lothian Council

East Lothian Council currently provides GME through a partnership arrangement with City of Edinburgh Council. Partnership arrangements support developing capacity and effective resourcing across the region and high-quality Gaelic Medium learning for children and young people. This provision will be planned and assessed by East Lothian Council and local partners with local demand being assessed and monitored as part of ongoing future planning. This provision is supported by East Lothian Council and available on application by parents. Support and communications for parents wishing their children to access Gaelic Medium Education has been identified as an aim of the East Lothian Gaelic Language Plan and is included in the actions listed below.

In 2018/19 a total of 17 primary school learners from East Lothian attended City of Edinburgh GME provision at Parkside Primary / Bun-sgoil Taobh na Pàirce), and three secondary learners attended James Gillespie's High School.

Parents also have access to Gaelic Medium Playgroups in City of Edinburgh through partner providers and at a range of locations across the city. More information is available via Cròileagan Dhùn Èideann's website: <http://www.gaelicplaygroup.com/>

East Lothian Council lead officers support the ongoing development of effective partnership working across the South-East Improvement Collaborative (SEIC) and lead support for schools in developing Gaelic learning.

Gaelic Learners Education (GLE)

Gaelic Learners Education (GLE) refers to Gaelic learning as an additional language in an English Medium Education context.

According to the Education Scotland advice and guidance on GLE: "In English medium education, Gaelic language learning is part of children's and young people's entitlement to learning a language. Gaelic Learner Education is an overarching term which spans across 3-18 provision." ([Gaelic Education 3-18 in Language Learning in Scotland: A 1+2 Approach](#))

Gaelic Learner Education (GLE) provides young people with progressive opportunities to learn Gaelic language and experience Gaelic culture as part of the wider offer of languages across East Lothian Council schools. GLE is an area which is currently undeveloped in East Lothian schools, but is planned through the Gaelic Language Planning process. This will include seeking opportunities to promote the use of the Stòrlann 1+2 Languages website and resources, Go Gaelic (<https://go-gaelic.scot/>). This area is being developed in collaboration with key local and national partners including Bòrd na Gàidhlig, regional local authorities, higher and further education establishments, schools and parents.

An East Lothian and Midlothian Councils' Gaelic Education Steering group has been established to support the strategic development of Gaelic language in schools and includes key local authority officers, primary and secondary teachers, parents and local partners. Key local partners include Newbattle Abbey College which offers professional development and engagement opportunities for schools, parents and learners. Teachers who have experience or an interest in Gaelic learning have been identified through email requests and local training opportunities are being developed and offered.

East Lothian Council is working with schools in neighbouring areas where GLE is currently being delivered (James Gillespie's High School, City of Edinburgh) and offering opportunities through digital solutions to open up Gaelic learning to learners across the region.

Gaelic in a non-education setting

East Lothian Council Library services provide Bookbug bags in Gaelic at each of the following stages:

- Baby (gifted by the health visitor at around 6 weeks)
- Toddler (gifted by the health visitor at around 18 months)
- Explorer (gifted by nurseries at 3)
- Family Bag (gifted through schools in P1)

A stock of Gaelic language books is available at Library Headquarters and 28 items are available in children's collections across East Lothian libraries. Requests for Gaelic items are infrequent; however this may be due to a lack of awareness and so has been identified as an area for development in the Gaelic Language Plan.

Library services have explored Gaelic Bookbug sessions supported by a volunteer in the past and a number of families were interested in participating. Again, this is an area which has been identified for future development in the Gaelic Language Plan and can be supported by Bòrd na Gàidhlig Early Years Bookbug training, although this may require someone who is a Gaelic speaker who would volunteer to support the development of this service.

In terms of community learning, there are no current classes for adults though the East Lothian Community Learning programmes. However, courses and events are currently offered by Newbattle Abbey College and through the Gaelic Language Planning process, and officers have started promoting these activities through their communication channels and networks. Community Learning & Development (CLD) have been involved in the development of local Gaelic Language Planning with a view to identifying opportunities to offer Gaelic language in their learning programmes.

Other partners and areas of interest with links to Gaelic language are being identified including local place name mapping work and identification of local tourist attractions with a link to Gaelic language e.g. around the Battle of Prestonpans which has promoted the use of Gaelic through bi-lingual signage around the battle site in recognition of the involvement of Gaelic speakers from the Highlands in the Jacobite army that fought in the battle. The [Visit Scotland Gaelic Tourism Strategy](#) may provide further guidance and support in this area.

Implementing the National Gaelic Language Plan

East Lothian Council recognises that the various priority areas identified in the National Gaelic Language Plan will be primarily implemented through our Gaelic Language Plan but that opportunities will arise to promote and develop the language through existing policy measures. East Lothian Council will examine policy commitments to identify areas where Gaelic can be pro-actively incorporated and the priorities of the National Gaelic Language Plan initiated through additional methods. We see this development as corresponding to the normalisation principle which aims to include Gaelic as an everyday part of life in Scotland.

The Council's Integrated Impact Assessment process will be amended to include screening questions relating to Gaelic and signposting those who are developing relevant new policies to this policy and the National Gaelic Language Plan to ensure that policies are developed in line with the Plan.

2. COMMITMENTS

In its statutory *Guidance on the Development of Gaelic Language Plans*, Bòrd na Gàidhlig notes that creating the right environment for the use of Gaelic in public life is one of the key components of language regeneration. The Bòrd has identified four core areas of service delivery that it wishes public bodies to address when preparing Gaelic Language Plans:

This Plan also identifies the actions East Lothian Council will take to meet its commitment to the objectives of the National Gaelic Language Plan for Gaelic in relation to:

Identity and Status including, corporate identity and signage and expanding visibility, audibility, recognition and respect for Gaelic

Communications, including, reception, telephone, mail and e-mail, forms and complaints procedures

Publications, including, public relations and media, printed material and websites

Staff, including, recruitment and training.

Gaelic Language Acquisition and Usage: enabling people to develop speaking, reading and writing skills in Gaelic and enabling the use of Gaelic in a range of social, formal and work settings. The Council will adhere to the most recent Gaelic Orthographic conventions and place-names advised by The Gaelic Place-names Scotland.

East Lothian Council recognises that action in each of these areas can help raise the visibility and profile of Gaelic and bring greater opportunity for Gaelic speakers to use the language,

However, East Lothian has relatively few Gaelic users, and has had little demand for information or communication in Gaelic. Within the current economic situation East Lothian Council does not have any additional resources to deliver any major initiatives to expand Gaelic language provision, Gaelic language training or overhaul its corporate identity to incorporate Gaelic. Any developments or initiatives to promote Gaelic will be undertaken within existing resource capacity. For example, the provision of bi-lingual road signs would be done on a renewal/ replacement basis.

2.1 Identity and Status

The presence of Gaelic in the corporate identity and signs of a public authority greatly enhances the visibility of the language, increases its status and makes an important statement about how Gaelic is valued and how it is given recognition. Developing the use of Gaelic through signage can also enrich the vocabulary of Gaelic users, raise public awareness of the language and contribute to its development. East Lothian Council recognises the importance of raising the visibility of Gaelic, increasing its status and creating a positive image of the language.

Function	Current Position	Proposed Action	Proposed Outcome/ Indicator	Lead Service/ Officer	Timescale
Corporate Identity	East Lothian Council's corporate identity does not include any Gaelic language elements	We will review the Council's corporate identity to identify how Gaelic language could be reflected in the Council's corporate identity and 'Brand' guidelines. This will include consideration of whether Gaelic could be incorporated in the Council logo, signage in, and on, council buildings and into email sign offs	The Council's 'Brand' guidelines will incorporate guidelines for the use of Gaelic language in the Council's corporate identity	Communications Manager	April 2021
Signage	Very little bilingual signage exists in East Lothian	Current provision of signage will be audited to identify 'Welcome to East Lothian' road signs which could include Gaelic when they are renewed	Welcome signs at the main entry points into East Lothian will include Gaelic, demonstrating equal respect for Gaelic and English	Communications Manager and Road Services Manager	April 2024

2.2 Communications

The use of Gaelic in interactions with the authority by mail, e-mail and by telephone is important in creating practical opportunities for the use of the language, and in contributing to the sense that its use is possible and welcome. The presence of Gaelic in a wide range of bilingual forms and Gaelic only forms can also greatly enhance the visibility and prestige of the language. The preparation of Gaelic versions of forms, applications and similar documents, can also assist in expanding the range of Gaelic terminology and the awareness of the Gaelic-speaking public of such terminology, thus helping the development of the language itself.

East Lothian Council recognises the importance of creating opportunities for the practical use of Gaelic in communications with its citizens and will increase its level of provision on an incremental basis.

Function	Current Position	Proposed Action	Proposed Outcome/ Indicator	Lead Service/ Officer	Timescale
Reception	Although the Council currently does not have any specific Gaelic provision in reception areas, the Council's Translation and Interpretation services includes provision of Gaelic	<p>A review of the Council's Translation and Interpretation services will ensure the provision of Gaelic when requested</p> <p>Training for reception staff in how to meet customer needs and ensuring that the needs of people who speak languages other than English, including Gaelic</p> <p>Customers who speak Gaelic will be able to request translation in the Gaelic language</p>	<p>Customers coming into reception areas in Council offices will be engaged with appropriately no matter what language they speak</p> <p>All customer services / contact centre staff will be aware of how to access support for communicating in Gaelic</p>	<p>Review – Equalities Officer and Customer Feedback Manager</p> <p>Service Manager Customer Services</p>	April 2020
Telephone	The Council	A review of the Council's	Customers contacting	Review –	April 2020

	currently does not have any provision for telephone call handling in Gaelic	<p>Translation and Interpretation services will ensure the provision of Gaelic</p> <p>Training for customer services/contact centre staff in how to meet customer needs and ensuring that the needs of people who speak languages other than English, including Gaelic</p> <p>Customers who speak Gaelic will be able to request translation in the Gaelic language</p>	<p>the Council by telephone will be engaged with appropriately no matter what language they speak</p> <p>All customer services / contact centre staff will be aware of how to access support for communicating in Gaelic</p>	<p>Equalities Officer and Customer Feedback Manager</p> <p>Service Manager Customer Services</p>	
Mail and E:Mail	The Council currently does not have an agreed policy on how to respond to Gaelic mail and e:mail	<p>A review of the Council's Translation and Interpretation services will ensure the provision of Gaelic</p> <p>Any mail or e:mail received in Gaelic will be translated and responses will be provided in Gaelic in an acceptable timescale</p>	All staff will be made aware of the provision to translate mail and e:mail from and into Gaelic	Communications Manager and Customer Feedback Manager	April 2020
Forms (including complaints procedure and	The Council currently does not have any forms in Gaelic	A review of the Council's Translation and Interpretation services will ensure the provision of Gaelic	All staff will be made aware of the website facility that allows all on-line forms to be	Service Manager Customer Services and	April 2020

<p>handling of complaints)</p>		<p>The Council's website includes an accessibility and translation facility that includes Gaelic</p> <p>All forms and document, such as the Council's complaints procedure, that are put on the website can be translated into languages including Gaelic</p> <p>Forms or complaints submitted in languages other than English, including Gaelic, will be dealt with appropriately and if requested in the relevant language</p>	<p>translated into Gaelic</p>	<p>Customer Feedback Manager</p>	
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2.3 Publications

The use of Gaelic in a range of printed material can assist Gaelic development in a variety of ways. It helps increase the visibility of the language, it enhances Gaelic's status by being used in high profile publications, and it can help develop new and enhance existing terminology. The use of Gaelic in the media helps demonstrate a public authority's commitment to making important information available through the medium of Gaelic, as well as enhancing the visibility and status of the language. As more people access information about public authorities through their websites, making provision for the use of Gaelic can significantly enhance the status and visibility of the language.

East Lothian Council is committed to increasing the use of Gaelic in areas where the subject matter is of most interest to the general public or relates specifically to Gaelic issues.

Function	Current Position	Proposed Action	Proposed Outcome/ Indicator	Lead Service/ Officer	Timescale
Website	The Council website has an accessibility and translation facility that enables the site and all documents on the site to be translated into Gaelic	Review the use of the translation facility Ensure that any documents and forms that should be available in Gaelic are on the website thereby allowing them to be translated	All documents and forms that should be available in Gaelic are on the website thereby allowing them to be translated	Communications Manager	April 2020
Public Relations and Social Media	The Council does not have guidelines relating to the use of Gaelic in press releases and social media	Review the use of languages other than English, including Gaelic in press releases and social media	All press releases on the Council website will be translatable into Gaelic	Communications Manager	April 2020
Printed material – Council documents and papers	The Council does not have a policy relating to the use of Gaelic in printed material	Review the use of languages other than English, including Gaelic in printed material	All printed material that should be available in Gaelic are on the website thereby allowing them to be translated	Communications Manager	April 2020
Printed material in libraries	There are few books or other printed resources in Gaelic in Council libraries	The Library service will promote the availability of bilingual material and consider the purchase of new books in Gaelic through direct request.	The Library service will hold a stock of printed and digital resources in Gaelic as appropriate.	Service Manager Customer Services and Senior Librarians	April 2021

Public Exhibitions and Heritage	The Council has not made any provision for Gaelic in any exhibitions it holds	The Museum and Library services will review their exhibitions policies and where relevant will make provision for Gaelic in exhibitions	The Museums and Library services exhibitions policies will make provision for Gaelic in exhibitions as appropriate	Service Manager Customer Services and Team Manager Museums	April 2021
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2.4 Staff

In order to deliver services through the medium of Gaelic, it is necessary to develop the requisite job skills and language skills of staff. The provision of language learning for staff helps promote adult Gaelic learning and promotes Gaelic as a useful skill in the workplace. The identification of jobs in which Gaelic is a designated skill will contribute greatly to the status of the language and to identifying it as a positive skill to acquire.

The use of Gaelic in advertising also helps recognise that Gaelic should be used in public life and that Gaelic users have an important role to play within a public authority. Whatever the level of Gaelic skills required it is important that authorities ensure that Gaelic is a genuine occupational requirement.

East Lothian Council recognises the importance of seeing Gaelic as an important job skill and of identifying situations in which its use is essential or desirable and we recognise the importance of enabling staff to develop their Gaelic skills if they can and want to deploy them in support of the Council's Gaelic Language Plan.

Function	Current Position	Proposed Action	Proposed Outcome/ Indicator	Lead Service/ Officer	Timescale
Recruitment	All council jobs are advertised on the myjobscotland website which does not have a language	If a job has Gaelic as a requirement, the job advertisement will be both in Gaelic as well as English	Bilingual adverts for posts requiring Gaelic will appear on myjobscotland	HR Business Partner	April 2020

	translation function	COSLA (the body which has responsibility for the myjobscotland website) will be approached to consider adding a language translation facility to the website and application forms			
Training and Language Learning	<p>No staff training is available in Gaelic as there has been no demand for this to date.</p> <p>Training is being developed for teachers to support learning & teaching in Gaelic in schools</p>	<p>Explore & assess demand for Gaelic learning for staff</p> <p>Identify possible training models & approaches (e.g. Gaelic awareness, members briefings, language learning etc.)</p> <p>Work with local partners to promote Gaelic learning opportunities locally (e.g. Newbattle Abbey College)</p>	Improved staff engagement in and awareness of Gaelic language	<p>Organisational Development officers</p> <p>ELC lead officers</p> <p>Gaelic Strategic group</p>	April 2023

2.5 Gaelic Language Acquisition and Usage

East Lothian Council recognises that a sustainable future for Gaelic requires more people to learn the language and that attention requires to be focused on the home, education and adult learning as the key means of achieving this. We will take the following steps to help create a supportive environment for growing the number of Gaelic speakers in East Lothian.

Function	Current Position	Proposed Action	Proposed Outcome/ Indicator	Lead Service/ Officer	Timescale
Gaelic Medium Education (GME)	<p>Currently delivered through partnership agreement with City of Edinburgh Council</p> <p>Local strategic steering group has been convened to support ongoing planning and development</p> <p>GME learner data is being gathered</p> <p>Contact with parents is underway to support collaborative planning</p>	<p>Track and monitor uptake of GME</p> <p>Evaluate council information regarding GME provision</p> <p>Promote GME through communications channels & networks</p> <p>Work in partnership with City of Edinburgh to support and sustain current arrangements and to align planning around GME.</p> <p>Promote / support pre-school and school age GME – mainly through existing partnership provision</p> <p>Families – support pack for families; review website</p>	<p>Data on numbers of pupils attending GME</p> <p>To support and sustain current provision arrangements</p> <p>To ensure clear information is available regarding ELC GME provision In line with the Statutory Guidance on Gaelic Education and the Education (Scotland) Act 2016</p> <p>To increase uptake of GME in line with local and national plans</p>	<p>ELC lead officers Gaelic Strategic group</p>	<p>April 2024</p>

		information; engage with parents			
Gaelic Learners Education (GLE)	<p>There is currently no GLE in East Lothian</p> <p>Interested teachers have been identified</p> <p>Teacher introduction to Gaelic courses taking place in May 2019</p> <p>A group of teachers has been identified to attend Sabhal Mòr Ostaig courses in 2019/2020</p> <p>Partnership development of language resources in Gaelic has been planned with Newbattle Abbey College</p>	<p>Support schools with planning and development of GLE through provision of learning and teaching resources and professional development for teachers</p> <p>Promote uptake of regional SQA accredited courses</p> <p>Develop Gaelic learner opportunities as part of 1+2 and via partners (for us that would be Newbattle, the E-Sgoil or schools in Edinburgh). Identify opportunities to promote use of the Stòrlann Go Gaelic website to support teacher development in basic Gaelic language skills</p> <p>Develop Gaelic learner opportunities as part of 1+2 and via partners (for us that would be Newbattle, the E-Sgoil or schools in Edinburgh)</p>	<p>Increased numbers of schools and pupils engaging with GLE</p> <p>Increased numbers of teachers taking up opportunities for development in Gaelic language</p> <p>Locally developed Gaelic teaching resources available for teachers and schools</p>	ELC lead officers Gaelic Steering Group	April 2024
Adult Learning	No Gaelic currently is being offered by	Identify and assess opportunities for adult learning	Increased offer of local community Gaelic	Gaelic language	April 2024

	<p>CLD</p> <p>Partnership opportunities are available and are starting to be promoted locally</p>	<p>Work with local partners to provide and promote adult / community learning of Gaelic</p> <p>Identify Gaelic speaking member of the community interested in the promotion and development of Gaelic language</p>	<p>language learning opportunities</p> <p>Engagement with the Gaelic speaking local community</p>	<p>strategic implementation group</p>	
<p>Gaelic in Communities, Partnerships and networks</p>	<p>Engagement and partnership working underway with local Gaelic language partners</p> <p>Partnership representation on the ELC Gaelic steering group</p> <p>ELC is represented by lead officers on national Gaelic networks e.g. Gaelic Language Network (GLAN)</p>	<p>Continue to engage with local and national partners to support the development of local Gaelic learning opportunities and GME provision</p> <p>Engage with the GLE consortia to evaluate opportunities for Gaelic language staff development.</p> <p>Identify key local partners (business, tourism etc.) Continue to attend national network events, communicate opportunities and information relating to Gaelic language and promote staff development</p>	<p>Enhanced provision of Gaelic learning and development</p> <p>Increased engagement with and awareness of Gaelic language</p>	<p>ELC lead officers</p> <p>Gaelic language strategic implementation group</p>	<p>April 2024</p>
<p>Gaelic in the Arts</p>	<p>The Council has not made any provision</p>	<p>The council's arts service will review its policies and where</p>	<p>The arts service's policies will make</p>	<p>Service Manager</p>	<p>April 2021</p>

	for Gaelic in arts, heritage and recreation	relevant make provision for Gaelic arts activities	provision for Gaelic arts activities	Connected Communities and Arts Manager	
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3. IMPLEMENTATION AND MONITORING

East Lothian Council's Gaelic Language Plan will be published bilingually on our website and copies will be made available on request. In addition, we shall make the plan known to employees via our Intranet.

This plan is the policy of East Lothian Council and has been endorsed both by our Council Management Team and Council members.

The Council's Integrated Impact Assessment process will be amended to include screening questions relating to Gaelic and signposting those who are developing relevant new policies to this policy and the National Gaelic Language Plan to ensure that policies are developed in line with the Plan.

The Chief Executive will be responsible ultimately for ensuring that the Council delivers on the commitments set out in this Plan.

Individual responsibility for various actions set out in Chapter 2 of the Plan has been assigned to relevant staff members and we have set out the individual target dates for when we expect to implement specific commitments.

The council will monitor the implementation of the Gaelic Language Plan through a bi-annual update on progress in implementing the actions set out on Chapter 2. These monitoring reports will be submitted to Bòrd na Gàidhlig.

Contact details

The senior officer with operational responsibility for overseeing preparation, delivery and monitoring of East Lothian Council's Gaelic Language Plan is:

Sharon Saunders
Head of Communities and Partnerships
ssaunders1@eastlothian.gov.uk

Queries about the day-to-day operation of the plan should be addressed to:

Paolo Vestri
Service Manager Corporate Policy and Improvement
pvestri@eastlothian.gov.uk

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REPORT TO: Cabinet

MEETING DATE: 12 November 2019

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Reserve Forces Training and Mobilisation Policy

5

1 PURPOSE

- 1.1 To seek approval from Cabinet for the newly developed Reserve Forces Training and Mobilisation Policy, following consultation with the Joint Trades Unions and employees.

2 RECOMMENDATIONS

- 2.1 That Cabinet approves the new Reserve Forces Training and Mobilisation Policy attached at Appendix A, which will be introduced from 2 December 2019, allowing time for communication of the revised Policy to be issued to managers and employees.

3 BACKGROUND

- 3.1 The Reserve Forces Training and Mobilisation policy was developed as part of East Lothian Council's ongoing commitment to the Armed Forces Covenant and Employer Recognition Scheme.
- 3.2 The policy supersedes the arrangements outlined in the Time of Work Policy (2008), and is more explicit in the support the Council offers in releasing Reservists for regular training and mobilisation for active duty.
- 3.3 The Time off Work Policy (2008) provides for:
- paid special leave to undertake 15 working days training per rolling 12 month period.
 - responsibility of the Reservist to advise paid training allowances claimed via MoD so that this can be off-set against their Council pay.

- employment protection in line with the Reserve Forces (Safeguard of Employment Act), whereby the Reservist will be reinstated to the same, or if not possible, equivalent post upon return to the Council.
 - scope for the Council to seek exemption, deferral or revocation of employees' mobilisation where this would have a substantial impact on service provision.
- 3.4 The newly developed policy, which is based on the MoD model policy, contains all elements covered in 3.3 above and, in addition, provides a comprehensive overview of the support available to Reservists outlining employee, manager, HR and Payroll responsibilities and processes in relation to training and mobilisation arrangements. Additionally, checklists for the line manager and Reservist along with a Manager's Summary have been included within the policy.
- 3.5 The newly developed policy also fully outlines treatment of terms and conditions in relation to a Reservist's mobilisation, including pay, pension, annual leave accrual, sick pay and leave, reinstatement to the Council, protections against dismissal, financial assistance and contact details for MoD services.
- 3.6 However, should a Reservist return from mobilisation and be faced with a redundancy situation due to service review, they can be subjected to the same arrangements as all other potentially displaced employees affected.
- 3.7 It should be noted that whilst the newly developed policy is more explicit than the 2008 policy, the new policy reflects what happens in practice when Reservists undertake training or when mobilised for active duty.
- 3.8 Discussions between HR and Trade Unions have been ongoing during the development of the policy, followed by full formal consultation with Trade Unions and employees which closed on 19 August 2019.
- 3.9 Trade Unions have confirmed that they are content with the policy and feedback was received from one employee relating to arrangements for MoD earnings being offset against Council pay when undertaking training, the arrangements for which are already outlined in the policy. To that end the policy and appendices have not been amended from the draft policy presented to CMT in February 2019, other than formatting and some grammatical rewording to enhance clarification for policy users.
- 3.10 The Council recently attained the Silver Award for the Defence Employer Recognition Scheme, having previously held the Bronze Award. The development and implementation of this policy will go some way to support the planned future application to achieve the Gold Award for the Defence Employer Recognition Scheme.

4 POLICY IMPLICATIONS

- 4.1 Following Cabinet approval, the revised Reserve Forces Training and Mobilisation policy will be implemented through publication on the Intranet. This

will be further supported with briefings for managers and all staff communications via Inform.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 An Integrated Impact Assessment has been carried out for this Policy and no negative impacts have been identified at this time.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – As a result of implementing this policy, there may be occasions where additional costs fall upon the Council. It is anticipated that these will be minor and with expected numbers relatively low, it is considered that any resultant costs will be managed within existing staffing budgets.
- 6.2 Human Resources – HR will fully implement the policy once approved and provide briefings, training and communication as required. Systems and processes will be further developed to record and report on active Reservist employees. This will involve HR and Payroll.
- 6.3 Other – An Armed Forces e-mail address has been set up and publicised in Inform, inviting current employees to get in touch if they have ever served in the Armed Forces, or are currently a Reservist or a volunteer with a local cadet group. The address is <mailto:hramedforces@eastlothian.gov.uk> and will be overseen by HR and the Local Community Planning Officer.

7 BACKGROUND PAPERS

- 7.1 None

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Reserve Forces Training and Mobilisation

This policy applies to all employees including Teachers

*Date Approved:

This is an East Lothian Council Policy which has been subject to consultation with the Joint Trades Unions. Any review or amendment by the council will be following consultation with the Trades Unions.

Policy Title	Reserve Forces Training & Mobilisation
Policy Section	HR Policies
Prepared By/Policy Author	Human Resources
Version Number	V 1.0
Equality Impact Assessment	15 October 2019
Supporting Documents	
Links to other Council Policies /Processes	Recruitment & Selection Policy Special Leave Policy Managing Attendance Policy Performance Review & Development Policy
Approved By	Cabinet
Date Approved	
Review Date	
Date of next Review	
Policy Lead	HR Business Partner, HR & Payroll

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1. INTRODUCTION

- 1.1 East Lothian Council (the council) employ employees who are members of the Reserve Forces and recognise the valuable contribution that Reservists make to the UK Armed Forces, their communities and the civilian workplace.
- 1.2 The council has pledged support to the Armed Forces including existing and prospective employees who are members of the Armed Forces community. To that end the council currently holds the Silver Award for the Defence Employer Recognition Scheme and ensures that Service Personnel/Armed Forces will not be disadvantaged as part of our recruitment processes. Additionally, the council has signed up to the East Lothian Community Covenant which is a formal promise that Service Personnel, their families and Veterans are recognised for the contributions they make and should not be disadvantaged because of this when accessing public and commercial services.

2. PURPOSE AND SCOPE

- 2.1 East Lothian Council has pledged its support for members of, or those wishing to join the Reserve Forces and acknowledges the training undertaken by Reservists that enables them to develop skills and abilities that are of benefit to both the individual and the council. This policy intends to define our obligations towards all employees who are members of the Reserve Forces.
- 2.2 East Lothian Council:
 - Will not disadvantage those Reservists who notify their manager of their reserve status or those Reservists who are made known to the council directly by the Ministry of Defence (MoD).
 - Shall, subject to the provisions set out in Section 5, seek to agree to release Reservists for attendance at Reserve Forces Training events where these take place on their normal working days.
 - Shall, subject to the provisions set out in Section 5, seek to agree to the release of all employees mobilised for Reservist duties.

3. TYPES OF RESERVIST & LEGAL CONSIDERATIONS

- 3.1 There are two main types of Reservist:
 - **Volunteer Reservists:** - civilians recruited into the Royal Naval Reserves, Royal Marines Reserves, Army Reserve and Royal Auxiliary Air Force.
 - **Regular Reservists:** - ex-regular servicemen/women who may retain a liability to be mobilised depending on how long they have served in the Armed Forces.
- 3.2 The key legislation relating to employers and the Volunteer Reserve Forces are:

- The Reserve Forces Act 1996 (RFA 96) which provides the powers under which Reservists can be mobilised for full-time service.
- The Reserve Forces (Safeguard of Employment) Act 1985 (SOE 85) which provides protection of employment for those liable to be mobilised and reinstatement for those returning from mobilised service.
- Also, the Defence Reform Act 2014, introduced legislation in the UK to provide Reservists with immediate right of access, without a qualifying period, to an Employment Tribunal for unfair dismissal if the dismissal relates to Reserve Service.

3.3 The Reserve Forces Act 1996 also provides for other categories, such as:

- **Full Time Reserve Service:** - Reservists who wish to serve full time with regulars for a predetermined period in a specific posting.
- **Additional Duties Commitment:** - part-time service for a specified period in a particular post.
- **Sponsored Reserves:** - These are personnel employed by a contractor to provide a service to the Ministry of Defence (MoD).
- **High Readiness Reserves:** - These are Reserves, usually with a particular skill set, that are available at short notice (with written agreement from their employer).

4. RESERVE STATUS NOTIFICATION

4.1 An employee who wants to volunteer for mobilisation must inform the council and get written consent before they can apply.

4.2 Reservists are required to inform the council that they are a member of the Reserve Forces and the specific Force that they belong to, so that the council can provide the appropriate level of support to the Reservist. It also assists with resource planning during periods of leave e.g. training and/or mobilisation. The council also recognises the additional skills and experiences that being a Reservist can bring and therefore it is useful for the council to have an understanding of where these particular skills and experiences exist.

4.3 Reservist employees are also required to grant permission for the Ministry of Defence (MoD) to write directly to their employer. This is known as 'Employer Notification' and ensures that the council is made aware that the employee is a Reservist and the benefits, rights and obligations that apply.

4.4 The MoD will issue written confirmation to the council to confirm the employee is a member of the Reserve Forces. The letter provides detail of mobilisation obligations and rights of the employee and employer, along with details of the financial assistance available if an employee is mobilised. Where possible, details of any annual training commitments will also be confirmed. The MoD

will also send a follow-up letter each year to confirm that the information held is still accurate.

- 4.5 It is the responsibility of the Reservist to ensure their personal details are kept up to date with MoD and the council e.g. if they change employer or leave their respective Reserve Force.
- 4.6 In any circumstance, the Reservist will not be disadvantaged as a result of notifying the council of their Reserve status.

5. TRAINING COMMITMENTS AND TIME OFF

- 5.1 The council recognises the importance of the training undertaken by Reservists that enables them to develop skills and abilities that are of benefit to their respective Reserve Force, themselves and the council.
- 5.2 Reservists are typically committed to undertake 24 to 40 days training per year. Training tends to take place one evening per week, over various weekends throughout the year and one 2 week training period also known as Annual Camp. Training commitments vary but in most cases include:
- **Weekly training** - most Reservists train at their local centre for around two and a half hours, one evening a week.
 - **Weekend training** - all Reservists are expected to attend a number of training weekends taking place throughout the year.
 - **Annual training** - a two week annual training course sometimes referred to as Annual Camp. This may take place at a training establishment, as an attachment to a Regular Unit, a training exercise or a combination of any of these. Training normally takes place within the UK, although each year some Reservists train overseas.
- 5.3 This policy allows for a maximum of 15 working days paid leave in a rolling twelve month period to attend the Annual Camp. Any further request for approved time off beyond 15 days will be unpaid.
- 5.4 Line Managers will seek to facilitate work rotas or shifts to allow attendance at Annual Camp and other training commitments (e.g. weekly or weekend training sessions) unless there are exceptional circumstances that would have a substantial impact on the provision of council services. The Reservist should discuss flexibility requirements with their line manager in the first instance.
- 5.5 Evidence of the training camp must be submitted to the line manager as soon as the Reservist is notified of the dates by the MoD to allow appropriate planning to accommodate absences. Permission once given will not be rescinded unless there are exceptional circumstances.
- 5.6 Reservists in receipt of pay from MoD during any council approved paid time off work for training and Annual Camp must inform their line manager and HR of the amount of pay and this will be offset against their council

pay for the duration of paid leave authorised for Annual Camp and/or training (see 5.3). However, should Reservists choose to take Annual Leave from work for the purposes of attending Reservist training no offset of council salary will be made.

6. MOBILISATION

6.1 Mobilisation is the process of calling Reservists into full time service with the Regular Forces, in order to make them available for military operations. The maximum period of mobilisation will depend on the scale and the nature of the operation and is typically no longer than 12 months.

6.2 The call-out papers for mobilisation are sent by post to the Reservist and the council, however may sometimes be delivered in person by the Reservist to their line manager at the council. The documentation will include the call-out date and the anticipated timeline. Whenever possible, Ministry of Defence aims to give at least 28 days' notice of the date that a Reservist will be required to report for mobilisation, although there is no statutory requirement for a warning period prior to mobilisation.

6.3 A period of mobilisation comprises three distinct phases:

- Medical and pre-deployment training;
- Operational tour;
- Post-operational tour leave

6.4 Line Manager Responsibilities

6.4.1 Pre-mobilisation

- Meet with Reservist to ensure all mobilisation paperwork is fully completed (including pay, benefits & pension arrangements)
- Make a claim for financial assistance as appropriate (see section 10)
- Discuss any handover of work and return of equipment where required
- Confirm arrangements for keeping in touch
- Refer to and complete the Line Manager checklist (Appendix 1) and provide a copy to HR
- Ensure employee completes the Reservist checklist (Appendix 2) and provide a copy to HR

6.4.2 During mobilisation

- Keep in touch with Reservist as arranged and seek HR advice as appropriate

6.4.3 Post-mobilisation

- Ensure both council and Reservist fulfill their return to work obligations (see section 15)
- Refer to Line Manager and Reservist Checklists and mobilisation letters issued
- Discuss and provide after-care and support requirements

7. APPLYING FOR EXEMPTION, DEFERRAL OR REVOCATION

- 7.1 In all cases of mobilisation, the council will release the Reservist to report for duty unless there are exceptional circumstances, whereby the decision and reasoning will be explained to the Reservist.
- 7.2 In such circumstances line managers have the right to seek exemption, deferral or revocation if the Reservist's absence is considered to cause serious harm to service delivery.
- 7.3 Definitions of 'harm' will vary from case to case, but may include;
- loss of reputation, goodwill or other financial harm
 - impairment of the ability to provide goods and services
 - harm to the research and development of new products, services or processes (which could not be prevented by the granting of financial assistance under sections 83 and 84 of The Reserve Forces Act 1996).
- 7.4 Details of how to apply for exemption are included in the call-out pack. The application must reach the Adjudication Officer at the MoD Mobilisation Centre (see section 20) within 7 days of the council receiving a call-out notice. If this timescale is not met, permission to make a late application will need to be obtained from the Adjudication Officer. The Reservist also has the right to apply for exemption or deferral if the call-out papers arrive at a difficult time
- 7.5 If an unsatisfactory decision is received following the application for a deferral, the council can appeal for a hearing by the Reserve Forces Appeals Tribunal. Appeals must reach the Tribunals Secretary within 5 days receipt of written notice of the decision. If the tribunal rejects the application for exemption or deferral, the council will be required to release the Reservist for mobilisation.

8. TREATMENT OF TERMS AND CONDITIONS DURING MOBILISATION

- 8.1 The council will continue to treat the contracts of employment of employees mobilised for Reserve Service as operable throughout the period of such service and there will be no loss of continuous service or service related benefits.
- 8.2 Under The Reserve Forces Act (Safeguarding of Employment) Act 1985, an employee's service is terminated on mobilisation, but providing the employee follows the correct notification procedure under the Act, he or she can return to employment upon which their continuity of service will be restored.

9. PAY & PAYROLL WHEN MOBILISED

- 9.1 The MoD will assume responsibility for the Reservist's salary from commencement and for the duration of their mobilisation. They will pay a basic salary according to the Reservist's military rank. If this basic element is less than the Reservist receives from the council, it is the Reservist's responsibility to apply to the MoD for the difference to ensure that they suffer no loss of earnings. This is known as a Reservist Award.

- 9.2 Where mobilisation occurs the employee will be given unpaid special leave of absence.
- 9.3 The council is not required to pay the Reservist's salary during the period of mobilisation. It is important that the Payroll Department are notified of the period of unpaid special leave in writing by the line manager. Payment will recommence once the Reservist returns to work.
- 9.4 Mobilisation does not break continuity of employment (s217 (a) Employment Rights Act 1996) and therefore:
- A P45 will not be issued (in line with HRMC guidance) for service less than 12 months
 - For payroll purposes the Reservist will be placed on a period of 'Special Leave'
 - See payroll guidelines on Reservists; <https://www.gov.uk/employee-reservist>
- 9.5 Reservists released on full paid leave for Annual Camp or training will have their council pay adjusted to be offset against MoD pay received.

10. BENEFITS

- 10.1 Contractual benefits that are suspended by the council during mobilisation can be claimed by the Reservist as part of their Reservist Award via MoD e.g. leased car Scheme.
- 10.2 The Line Manager and Reservist should discuss benefit arrangements during the pre-mobilisation meeting (See section 6.5). This should cover those benefits which will be suspended and for any continuing benefits, arrangements should be made as to how these are paid.

11. PENSION

- 11.1 If the Reservist is a member of the SPPA or Lothian Pension Fund Pension Scheme and the council suspends the employer contribution, but the Reservist chooses to remain within it, then the MoD will make the employer contributions for the period of mobilisation, as long as the Reservist continues to make their personal contributions.
- 11.2 Under Armed Forces Pension Scheme 2015 the Reservist will need to 'Opt-Out' of the council pension scheme i.e. either SPPA or Lothian Pension Fund, if they intend to apply for the MoD pension scheme.

12. ACCRUAL OF ANNUAL LEAVE

- 12.1 Reservists should be encouraged to take any accrued annual leave before mobilisation. Reservists will not accrue annual leave with the council during the period of mobilisation, as annual leave will accrue with MoD for that period.
- 12.2 Reservists accrue annual leave with the MoD whilst they are mobilized in full time service. When they demobilise, Reservists are entitled to a period of Post-

Operational Leave (POL). During this period they will continue to be paid and accrue annual leave entitlement by the MoD.

- 12.3 Any annual leave accrued with the council, which is untaken up to the date of commencement of mobilisation may be carried over and used in the next leave year following return to work.

13. DISMISSAL AND REDUNDANCY

- 13.1 A Reservist's employment cannot be terminated on the grounds of their military duties or their liability to be mobilised. To do so would be a criminal offence under s.17 of The Reserve Forces (Safeguarding of Employment) Act 1985.

- 13.2 Reservists can be included in the redundancy pool if this is necessary due to Service Review within the council. However, all employees should be treated consistently, and redundancy criteria should not discriminate against Reservists on the grounds of their Reserve service or call-up liability.

14. SICK PAY

- 14.1 During the period of mobilisation the Reservist will continue to accrue any rights to service-related council sick pay. Should a Reservist become sick or injured during mobilisation they will be covered by Defence Medical Services and any financial assistance will continue to be received (including pay) until demobilised. If the sickness or injury continues and this results in early demobilisation, the Reservist will remain covered by Defence until the last day of paid military leave.
- 14.2 After this time the Reservist will be covered by the council's sick pay arrangements, in line with the council's Managing Attendance policy.
- 14.3 If the Reservist becomes ill post-mobilisation, and a notional return to work date has been agreed, they will be covered by the council's Managing Attendance policy.

15. RETURN TO WORK

- 15.1 Both the Reservist and the council have obligations under The Reserve Forces (Safeguarding of Employment Act) 1985 regarding the return to work process as follows.
- 15.2 **Reservist obligations:** The Reservist must write to their Head of Service by the third Monday after their last day of military service making their request to return to work and suggesting a date which should fall within 6 weeks of their last day of full-time military service. This letter formally starts the return to work process.
- 15.3 It is also encouraged that the employee informally contact their line manager to discuss their return to work at the earliest opportunity, whether via a letter, meeting or telephone call. The formal application must be made in writing for it to be valid under the Act.

- 15.4 **Employer obligations:** The council has an obligation under Reserve Forces (Safeguarding of Employment) Act 1985 to reinstate the Reservist to their former role, where possible, and if not, to a mutually acceptable role, in line with the council's redeployment process, on the same terms and conditions prior to mobilisation.
- 15.5 Where reinstatement to their former role is not possible and the Reservist is not happy with the offer of alternative employment, they must write to the employer stating why there is reasonable cause for them not to accept it. If a Reservist believes that an employer's response to their application denies their rights under the Safeguard of Employment Act 1985, an application can be made to a Reinstatement Committee (MoD) for assessment. This committee will consider the Reservist's application and can make an order for reinstatement and/or compensation.
- 15.6 The Reservist should be reinstated to the council within 6 weeks of the last day of their full-time military service. They must be reinstated for a minimum period of 13, 26 or 52 weeks, depending on their length of service prior to mobilisation in line with <http://www.legislation.gov.uk/ukpga/1985/17/section/7> .
- 15.7 Reservists may benefit from refresher training when they return to work, or be given time to familiarise themselves with processes and procedures in the workplace. Financial assistance may be available via MoD for retraining if it is required as a direct result of their mobilisation, although applications cannot be made for training courses that would have taken place anyway. Evidence of costs will be required in addition to evidence that the Reservist could not reach the required standard by any other means, such as workplace experience.

16. AFTERCARE

- 16.1 A Reservist returning to work will benefit from a smooth re-integration into the workplace and team. The following should be considered as part of this process:
- Provide an update on changes and developments in the council.
 - Offer of specific refresher training where it is sought or considered necessary.
 - In cases where the job duties have changed since mobilisation a period of skills training may be required to assist with new aspects of the job.
 - Exploring whether the Reservist can meet up with colleagues informally or socially before or after return to work to prevent any feeling of dislocation, if this is sought.
 - Opportunity to discuss health concerns i.e. physical and mental as a result of deployment. Ensure reasonable time off to seek therapeutic treatment if required, including access to GP, the council's Occupational Health Service and Employee Assistance Programme.

17. PERFORMANCE REVIEW

17.1 Line managers who carry out Performance Review meetings with a Reservist should be aware that Reserve Forces activities undertaken by an individual (either through training or mobilisation) bring essential skills into the workplace such as leadership, communication, team working and organisational ability, which ultimately lead to improved performance in the workplace.

18. FINANCIAL ASSISTANCE

18.1 Financial assistance for employers in the event of an employee who is a Reservist being mobilised is governed by the Reserve Forces (call-out and recall) (Financial Assistance) Regulations 2005. These cover additional costs above the normal earnings of the called-up Reservist associated with replacing that employee. There are 3 types of award available:

18.2 One-Off Costs

- Agency fees, if a recruitment agency or employment agency is used to find a temporary replacement; or advertising costs.
- No financial cap on claims, but any claim must be supported by relevant documentation

18.3 Recurring Costs

- Overtime costs, if other employees work overtime to cover the work of the Reservist (by the amount that such costs exceed earnings of the Reservist).
- Costs of temporary replacement (by the amount that such costs exceed earnings of the Reservist).

18.4 The maximum claim currently available is £110 per day (£40,000 per annum). Claims can be made for every normal working day that the Reservist is away on service. An application for one-off costs and recurring costs must be made within 4 weeks of the end of full time Reservist service.

18.5 Training Award

- If a returning Reservist has to undertake additional training as a direct result of their mobilisation (routine training excluded), then the council can make an application for the financial assistance via MoD; capped at £2,000. This must be claimed within 8 weeks of the Reservist returning to work and training commenced within 6 months of return to work.

19. FURTHER INFORMATION

19.1 Further sources of guidance and information can be obtained from the following:

- For employees who wish to inform the council if currently a Reservist, have served in the Armed Forces at any time, if a Volunteer with a local Cadet Group or if you have armed services related queries, please e-mail harmedforces@eastlothian.gov.uk
- Defence Relationship Management which provides advice and support in relation to employing members of the armed forces community <https://www.gov.uk/government/groups/defence-relationship-management>
- Defence Employer Support Helpline: – 0800 389 5459. This is a free telephone helpline open during office hours where advice and guidance can be obtained on training, mobilisation and employment issues.
- Royal Navy website www.royalnavy.mod.uk/the-fleet/maritime-reserves
- Army website: www.army.mod.uk/join/20233.aspx
- Royal Air Force website www.raf.mod.uk/rafreserves
- Reservist Employer Toolkit <https://www.gov.uk/government/publications/reservist-employers-toolkit/reservist-employer-toolkit> This provides guidance and support on all aspects of employing Reservists.
- Financial Support for Employers <https://www.gov.uk/employee-reservist/financial-support-for-employers> This provides information on financial support available to the council upon mobilisation of employees
- The Reserve Forces (Safeguarding of Employment) Act 1985: <http://www.legislation.gov.uk/ukpga/1985/17>

20. APPLYING FOR EXEMPTIONS, FINANCIAL ASSISTANCE & APPEALS

20.1 **Single Service Adjudication Officers:** Guidance and applicants for exemption or deferral and Financial Assistance should be made to either:

- The person specified in the Call Out Notice
- The Adjudication Officer at the Mobilisation Centre
- The Adjudication Officer appointed for the Service in which the Reservist will serve when mobilised as below:

Army Adjudication Officer
 Army Personnel Centre
 PO Box 2673
 Glasgow
 Tel: 0141 224 5123
 Fax: 0141 224 2689
 Telephone Helpline: 0800 389 6585
 E-Mail: acp-cmops-mob-so2@mod.uk

Royal Navy and Royal Marines Adjudication Officer
Directorate of Naval Personnel
MPG-2, West Battery
Whale Island
Portsmouth PO2 8BX
Tel: 02392 623527
Fax: 02392 628660
E-mail: NavyLegal-ReservesADJSO2@mod.uk

Royal Air Force Adjudication Officer
Royal Air Force Adjudication Service
c/o Imjin Barracks
Gloucester GL3 1HW
Tel: 01242 682545
Fax: 01242 682510
E-mail: air1-woadj@mod.uk

20.2 **Appeals:** If you wish to appeal against the decision of the Adjudication Officer, an appeal can be directed to:

The Secretary
Reserve Forces Appeals Tribunal
Alexandra House
14-22 The Parsonage
Manchester
M3 2JA
Tel: 0161 833 6100
Fax: 0161 832 0249
E-mail: rfat@tribunals.gsi.gov.uk

Manager's checklist

Appendix 1

Employee Name:	
ELC Payroll No:	

Actions	Date Completed	Notes
Recording Reservist Details		
Acknowledge and respond positively to enquiries from employees who are interested in becoming Reservists or renewing their commitment		
Familiarise yourself with the Reserve Forces Training and Mobilisation Policy and this guidance document which details your responsibilities		
Maintain accurate records of employees who are Reservists and details of Reserve Unit, Reservist activities, such as training, mobilisation etc		
Managing Training Commitments		
Respond positively to all requests for training and apply council policy on extra leave for Reservists		
Inform HR and Payroll of rate of MoD pay being made to Reservist during training so that council salary can be offset		
Discuss any transferable skills acquired through training and how they can be used in the workplace		
Managing Mobilisation		
Ensure Reservist's next of kin details are up to date.		
Note and agree anticipated dates of Reservist's mobilisation, demobilisation and return to work and notify HR and Payroll immediately.		
Calculate Reservist's annual leave entitlement prior to mobilisation and agree leave with the Reservist as per the Reserve Forces Training and Mobilisation policy		
Arrange method and frequency for keeping in touch		
Note contact details, email and postal addresses		
Arrange a handover of work		
Arrange suitable cover to ensure work is completed		
Notify HR to issue mobilisation letter		

Terms and Conditions during Mobilisation		
Ensure the Reservist understands what happens to their pay, benefits, pension, loans etc. during mobilisation		
Ensure the Reservist has completed the pension scheme choice declaration detailed in their Call Out Notice. Liaise with HR and Payroll Departments to continue or suspend the employer contribution if the Reservists opts to remain in their council employment pension scheme. If the Reservist opts to remain in their council pension scheme the Reservists must continue to pay their employee contributions for the MOD to pay the employers contribution		
Confirm pension payee details as per the employer's call-out pack		
Make an application for Financial Assistance if appropriate (details in employer's call-out pack)		
Ensure all council equipment e.g. Laptop/mobile are returned as appropriate		
Inform payroll that the Reservist is mobilised and change status to unpaid special leave		
During Mobilisation		
Provide support during periods of active service, through mutually agreed keeping in touch arrangements, and upon their return to work		
Demobilisation		
Ask HR to respond to informal/formal contact from Reservist (or next of kin) regarding returning to work		
Set up meeting and agree Reservists return to work date		
Take forward any actions arising from the meeting including any necessary reasonable adjustments		
If the Reservist does not make contact within 3 weeks, notify HR who should make contact with the Reservist		
Return to Work		
Reservist's return to work: Liaise with HR and Payroll to reconfirm dates and complete appropriate paperwork		
Identify any transferable skills acquired whilst mobilised and how they can be used back in the workplace. Agree any re-orientation requirements and Personal Development Plan		
Provide on-going support during the transition period		

Reservist's checklist

Appendix 2

Employee Name:	
ELC Payroll No:	

Actions	Date Completed	Notes
Recording Reservist Details		
Inform line manager and HR (HRarmedforces@eastlothian.gov.uk) about membership of the Reserve Force and advise them of Unit details and Reservist training and mobilisation commitments as soon as dates are known		
Ensure military records are updated with Employer details		
Read the information available on the GOV.UK website https://www.gov.uk/employee-reservist		
Managing Training Commitments		
Familiarise yourself with the council's Reserve Forces Training and Mobilisation policy		
Consider options for leave in accordance with the council's Reserve Forces Training and Mobilisation policy regarding Reservist training		
Ensure manager has as much notice as possible of training commitments – ask Unit to provide evidence of training commitments as required		
Request authorisation from manager for Reservist leave in line with policy		
Managing Mobilisation		
Ensure next of kin details are up to date		
Notify manager on receipt of Call Out Notice immediately		
Agree with manager anticipated dates of mobilisation, demobilisation and return to work		

Actions	Date Completed	Notes
Discuss leave entitlements and agree any time off before mobilisation		
Identify work to be handed over		
Contact payroll to manage payment of loans and / or voluntary deductions		
Discuss and agree method and frequency of keeping in touch		
Complete pension scheme choice declaration as per Call Out papers		
Make an application for Reservist Financial Assistance if appropriate (details in Call Out Notice)		
Return any equipment including laptop or mobile as appropriate		
Terms and Conditions During Mobilisation		
Ensure understanding of what happens to pay, benefits, pension, loans etc. during mobilisation		
During Mobilisation		
Keep in touch at frequency agreed		
Demobilisation		
Contact manager informally and formally (in writing) to request return to work and agree a date		
Return to Work		
Return to work on agreed date		
Discuss any transferable skills acquired and how they can be used in the workplace		

Reserve Forces Training and Mobilisation Policy - Summary for Managers

<p>2 Types of Reservist</p>	<ul style="list-style-type: none"> • Volunteer Reservists e.g. civilians recruited into Royal Navy, Marine, Army reserves or Royal Auxiliary Air Force. • Regular Reservists e.g. ex-regular servicemen/women.
<p>Key Legislation</p>	<p><i>There are 3 key pieces of legislation:</i></p> <ul style="list-style-type: none"> • Reserve Forces Act 1996 (RFA 96) outlining powers to mobilise Reservists full-time. • Reserve Forces (Safeguarding of Employment) Act 1985 providing protection of employment and reinstatement • Defence Reform Act 2014 providing unfair dismissal rights
<p>General Employee Responsibilities</p>	<ul style="list-style-type: none"> • Employees who want to volunteer for mobilisation must inform their manager/HR and get written consent before they apply. • Reservists must inform their manager and HR of their volunteer or regular Reservist status, outlining specific force they belong to. • Reservists must grant MoD permission to write to the council, confirming mobilisation obligations and rights. This is known as the Employer Notification.
<p>Training and Time Off Commitments</p>	<ul style="list-style-type: none"> • Reservists are normally committed to 24 – 40 days training per year over evenings, weekends and Annual Camp (2 weeks). • Reservists are entitled to a maximum of 15 working days paid leave in a rolling 12 month period. • Reservists in receipt of pay from MoD during any training/Annual Camp must inform their manager of amount of pay received, which will then be offset against their council pay for that period. • Managers should facilitate work and shift rotas to enable attendance at training unless there are exceptional circumstances, i.e. where release would have substantial impact on the provision of services. • As part of the request for release, evidence and details of training and/or Annual Camp must be submitted to the manager.
<p>Mobilisation</p>	<ul style="list-style-type: none"> • Mobilisation is the process of calling Reservists into full time service with Regular Forces for military operations which will typically for no longer than 12 months, dependent on the nature of the operation. • Call out papers are sent by post to the Reservist and the council • MoD aims to give at least 28 days’ notice of mobilisation (however there is no statutory requirement to give this). • There are 3 phases of mobilisation; Medical and pre-deployment training, operational tour and post-operational tour leave. • Managers have pre and post mobilisation responsibilities (see section 6.5 of the policy). • Reservists will normally be released. Exceptionally, managers can seek exemption, deferral or revocation –the call-out pack explains.
<p>T & Cs during Mobilisation</p>	<ul style="list-style-type: none"> • There will be no loss of continuous council service or service related benefits provided the correct notification procedures are

	followed.
Pay and Conditions	<ul style="list-style-type: none"> • During mobilisation the MoD assumes responsibility for the Reservist's salary, paying basic salary according to military rank. • If MoD basic pay is less than the Reservist receives from the council, the Reservist can apply to MoD to make up the difference to ensure they suffer no loss of earnings • The manager must notify Payroll in writing of the period of the Reservist's mobilisation (see Manager's Checklist in Appendix 1). • Council pay will resume upon the Reservist's return to the council. • Mobilisation does not break continuity of council employment, no P45 will be issued for service less than 12 months and the Reservist will be placed on special leave for payroll purposes.
Benefits	<ul style="list-style-type: none"> • Contractual council employee benefits are suspended during mobilisation.
Pension	<ul style="list-style-type: none"> • The Reservist can decide to remain in the council pension scheme or to join the MoD pension scheme for duration of mobilisation. • If remaining with the council pension scheme, MoD makes the employer contributions to the council on behalf of the Reservist • If joining the MoD pension scheme, the Reservist needs to opt-out of the council scheme.
Accrual of Annual Leave	<ul style="list-style-type: none"> • Reservists should be encouraged to take accrued annual leave prior to mobilisation. No annual leave accrues whilst mobilised as Reservists accrue annual leave with MoD for that period.
Dismissal/ Redundancy	<ul style="list-style-type: none"> • A Reservist's employment cannot be terminated on grounds of military duties or liability to be mobilised. However, Reservists can be included in the redundancy pool in cases of Service Review.
Sick Pay	<ul style="list-style-type: none"> • MoD will be responsible for sick pay during the period of mobilisation. The council's sick pay arrangements resume at the end of mobilisation.
Return to the council	<ul style="list-style-type: none"> • The Reservist must write to their Head of Service by the third Monday after the last day of military service, requesting return to the council. • The council has an obligation to reinstate the Reservist, where possible, to their former role, if not to a mutually acceptable one with the same terms and conditions prior to mobilisation. • See section 15 for detailed arrangements and obligations
Aftercare	<ul style="list-style-type: none"> • The Reservist will benefit from smooth re-integration into the council workplace, including induction, OH & Employee Support Programme.
Performance Review	<ul style="list-style-type: none"> • Managers should take account of skills developed as part of mobilisation that are brought back into the workplace
Financial Assistance	<ul style="list-style-type: none"> • There is scope for financial support from MoD for the council in relation to backfilling the Reservists post e.g. advertising costs, costs of temporary replacement, overtime costs (see section 18 of the policy).
Training Award	<ul style="list-style-type: none"> • If a returning Reservist has to undertake additional training at the council as a direct result of their mobilisation, the council can apply for financial assistance from the MoD (capped at £2,000).

REPORT TO: Cabinet
MEETING DATE: 12 November 2019
BY: Depute Chief Executive (Resources and People Services)
SUBJECT: Annual Pensions Report 2018/19

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1 PURPOSE

- 1.1 To summarise the early retirement activity within the financial year 2018/19, in accordance with External Audit requirements and Council Policy.

2 RECOMMENDATIONS

- 2.1 That Cabinet notes the content of the report with regard to the pension activity in the financial year 2018/19.

3 BACKGROUND ANNUAL PENSION REPORT

3.1 Council's Retirement Activity in Financial Year 2018/19

There are currently three types of pensionable retirements available to the Council for all employees excluding Teaching employees (see paragraph 3.2), they are:

- **Due to Efficiency or Redundancy at the discretion of the Council**
This allows the individual, aged over 55 years (50 if in the Scheme before 5 April 2006), at the discretion of the Council to retire early, drawing their pension without any actuarial reduction being applied. In this case the strain costs relating to the early release of the pension are borne by the Council.
- **Ill-Health retirement**
This occurs where an employee is confirmed by Occupational Health as being permanently incapable of discharging efficiently their duties because of ill-health or infirmity of mind or body. The employee is permitted early access to an enhanced pension in accordance with the superannuation regulations and requires no exercise of Council discretion. The costs are fully borne by the pension fund.

- **Flexible Retirement**

This is a discretionary element of the pension regulations which allows employees who meet certain criteria to draw their pension and continue working on a reduced hours basis. To qualify the employee must be over 55 years old and have a minimum of 2 years pensionable service and they must reduce their working hours by a minimum of 40%. Generally there are no costs to the Council as the employee would have their pension actuarially reduced. However, in some circumstances if the employee meets the Rule of 85 there can be costs therefore they must have the Council's agreement for the early release of the individual's pension. If agreed the employee then continues working on the reduced hours and will automatically be re-enrolled into the pension fund while drawing the pension benefits they have already accrued (if they did not wish to join the scheme then they would need to opt out).

3.2 A summary of the pension activity in the financial year 2018/19 is as follows:

Department	Health & Social Care	Resources & People	Partnership & Communities	Totals
Compulsory Severance (pensionable)	-	-	-	-
Voluntary Severance (pensionable)	-	-	1	1
Medical Retirement (Lothian Pension Fund)	6	2	2	10
Medical Retirement (Teachers Scheme)		1		
Flexible Retirements	3	7	5	15

3.3 Details of the Council's financial commitments relating to pensions are included in the 2018/19 Financial Statements. As a result of ongoing pension costs arising from decisions taken in earlier years, in addition to the up-front strain costs now due in the year they accrue, during 2018/19 the Council spent £0.773 million (£0.778 million in 2017/18) on early retirements for Local Government Workers and £0.505 million (£0.506 million in 2017/18) for teachers. The 2017/18 figures are restated from

the previous report to Cabinet in November 2018 to reflect an updated allocation of the total cost between Local Government Workers and teachers.

- 3.4 The Council has a liability to pay pension costs in the future. At 31 March 2019 this liability has increased and was actuarially assessed at £177.775 million (and in 2017/18 at £132.870 million). This liability is reviewed through an actuarial valuation which takes place every three years. The most recent valuation date was 31 March 2017. A stability mechanism is currently in place with the Lothian Pension Fund based on the current valuation results, which takes into consideration the Lothian Pension Fund performance and assessed liabilities. The stability mechanism limits increases in the employer pension contribution rate to 0.5% per annum. Rates for the three years from 1 April 2018 have been agreed and they will increase by the maximum 0.5% per annum.
- 3.5 In addition to the above figures, the Council also makes 'ex gratia' pension payments to 101 former employees who worked less than 16 hours per week, were aged under 50 at 31 December 1993 and were unable to join the LGSS pension scheme under the statutory rules at the time. The value of these payments during 2018/2019 was £59,968 (and in 2017/18 it was £62,394). The Council took the decision to remove this discretion at Cabinet on 9 June 2009. No new ex gratia pension payments will arise and the existing estimated value of future liabilities based on the actuarial mortality estimate is £0.498m and will therefore reduce over time.

4 POLICY IMPLICATIONS

- 4.1 The Council is required to report its pension activity annually to elected members in accordance with the Audit Scotland requirements.

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 - Early retirement decisions taken in earlier years have created a significant liability for current and future Council Tax payers. There are no immediate budgetary implications associated with this report.
- 6.2 Human Resources - Finance and Human Resources continue to ensure that any retirements are in accordance with Council Policy and within the Standing Orders and the supporting Scheme of Delegation and also that managers are aware that any pensionable retirement meets the strict

efficiency or redundancy requirements and generates the necessary savings.

6.3 Other – None

7 BACKGROUND PAPERS

7.1 Policy on Enhanced Compensation for early Retirement on Grounds of Redundancy and Efficiency– December 2010

7.2 Lothian Pension Fund Website: www/lpf.org.uk

7.3 Local Government Pensions Scheme (Scotland) Regulations 2014

7.4 Policy Statement on Application of Regulatory Discretions approved at Cabinet on 13 September 2016.

7.5 Flexible Retirement Policy – December 2013

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