



## MINUTES OF THE MEETING OF THE CABINET

TUESDAY 21 JANUARY 2020  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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**Committee Members Present:**

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

**Other Councillors Present:**

Councillor F Dugdale  
Councillor J Findlay  
Councillor A Forrest  
Councillor J Henderson  
Councillor C Hoy  
Councillor K Mackie

**Council Officials Present:**

Mr A McCrorie, Chief Executive  
Ms M Patterson, Depute Chief Executive – Partnerships and Community Services  
Ms A MacDonald, Director, Health and Social Care Partnership  
Mr J Lamond, Head of Council Resources  
Mr T Reid, Head of Infrastructure  
Ms S Saunders, Head of Communities and Partnerships  
Mr D Proudfoot, Head of Development  
Ms S Fortune, Chief Operating Officer (Finance)  
Ms L Brown, Chief Operating Officer (Education)  
Mr C Grilli, Service Manager – Legal and Procurement  
Mr P Vestri, Service Manager – Corporate Policy and Improvement  
Mr A Stubbs, Service Manager – Roads  
Mr J Coutts, Service Manager – Community Housing and Homelessness  
Ms W Maguire, Team Leader – Strategy and Development  
Ms J Lothian, Sustainable Energy and Climate Change Officer  
Mr D Northcott, Team Manager - Structures, Flooding and Street Lighting  
Mr C Price, Project Manager, Roads Services  
Mr P Forsyth, Road Asset and Regulatory Manager  
Ms J Mackay, Senior Communications Adviser

**Clerk:**

Ms A Smith

**Apologies:**

Councillor Innes

**Declarations of Interest:**

None

**1. MINUTES FOR APPROVAL – CABINET 12 NOVEMBER 2019**

The minutes of the meeting of the Cabinet of 12 November 2019 were approved.

**2. CLIMATE CHANGE STRATEGY 2020–2025 – REPORT BY THE DEPUTE CHIEF EXECUTIVE**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval for the proposed East Lothian Council Climate Change Strategy 2020–2025.

The Head of Development, Douglas Proudfoot, presented a detailed report. The Climate Change Strategy set out the Council's commitment to tackling the climate emergency at local level, leading by example and working with partners. The Strategy brought together a wide range of actions from across Council Services, plans and strategies in a coordinated Action Plan to mitigate against and adapt to climate change. The Strategy also embedded the principles of Climate Justice into the Council's Climate Emergency response, to ensure that those most vulnerable would not be disproportionately affected by the effects of climate change. Based on the consultation feedback, the changed legislative landscape, and the Council's declaration of Climate Emergency, the Strategy had been revised and updated. It was now a 5 year rolling Strategy that would be reviewed and updated annually. He outlined the revised focus of the Strategy. Mr Proudfoot reported that the Council had already made significant progress in delivering actions that had substantially reduced its emissions. The Action Plan would be influenced heavily by Scottish Government's Climate Change Plan. He stressed the importance of collaboration and partnership and the importance of engagement with young people.

Mr Proudfoot and other officers responded to a series of questions from Members. On monitoring and future reporting he confirmed that the Strategy would be continuously monitored, annually refreshed and reported. The Integrated Impact Assessment would be expanded to ensure there was no detrimental impact. As regards partnerships, he stated that the commitment and significant ambition was shared across partner organisations.

On health and air quality, specifically ending idling of vehicle engines, Mr Proudfoot said the Council was working with Transport Scotland on a number of issues, including this. He referred to Low Emission Zones in Scottish cities and to the active Transport Strategy. The key was raising awareness about the importance of switching off engines. On whether fines were an option, Peter Forsyth, Road Asset and Regulatory Manager, indicated this was a possibility but an Order was needed to implement a fine.

As regards rail transport, Mr Forsyth gave details of some of the actions planned over the next 12 to 18 months. He referred to the Scottish Government's National Transport Strategy, which should be published later this month. Mr Proudfoot added that whilst rail infrastructure was important an aim of Connected Economy Group was to expand home working from only key workers, which would improve sustainability.

Regarding sustainable procurement, Carlo Grilli, Legal and Procurement Service Manager, indicated that the team was looking at how to implement the Strategy into procurement policy. Tom Reid, Head of Infrastructure added that this was already factored in for fleet procurement.

Mr Proudfoot responded to questions on demographic modelling and the impact of an increasing local population. He stated there were many variables; he highlighted the importance of analysing the base line data. The Action Plan needed to be focussed. He referred to the statutory obligation to deliver the housing supply identified within the Local Development Plan. On future housing applications and how radical the Council could be, he detailed a number of ongoing activities and outlined possible further improvements.

On engagement with young people, Jennifer Lothian, Sustainable Energy and Climate Change Officer, referred to consultation carried out and the excellent response. She reported that the priorities young people had highlighted had been embedded into the Strategy and Action Plan. She added that work was ongoing with the East Lothian Youth Council and with Eco Committees within schools.

As regards the next steps and also further engagement, Mr Proudfoot stressed the importance of engagement with all stakeholders. The evolution of the Strategy would be a move forward from a Council owned document to a wider group; all citizens, businesses, organisations needed to be involved. He referred again to the Scottish Government's Climate Change Plan, due in the spring. The Council would be working with this critical document to take the Strategy forward; key policy and legislative changes were anticipated. There was a considerable amount of work to be done across the Council, the ambition of the Strategy was significant. In respect of engagement with the farming community, he advised that a specific group would be established to engage with this community.

Councillor McMillan noted that the Strategy would be reviewed and adapted and that the Integrated Impact Assessment would be altered as required. There would be challenges with some of the changes and attitudes would have to change but looking after the environment was crucial. This was a partnership with all stakeholders. He stressed that Members were committed to this Strategy and would, quite rightly, be held accountable.

Councillor Goodfellow stressed the importance of this document for future generations. It was essential that it was reviewed annually. In relation to housing, he was proud that the Council's own stock met energy efficiency standards. In respect of new build housing stock a commitment to energy efficiencies should be a priority for developers.

Councillor O'Donnell acknowledged the good work already being carried out across local communities. She stressed that a global focus was needed to combat the adverse impact on some of the poorest communities around the world.

Councillor Akhtar stated that young people were at the forefront; she gave examples of actions proposed/taken by young people locally, also drawing attention to the work undertaken by Eco Committees within schools. This Strategy had to be embedded in our culture.

Councillor Hampshire noted the desire in communities to make changes. This was a partnership between the Council, the people of East Lothian, businesses and all stakeholders; everyone had to engage and commit.

## **Decision**

The Cabinet agreed:

- i. to approve the proposed East Lothian Council Climate Change Strategy 2020–2025 (set out in Appendix 2 to the report), to agree the outcomes and key priority areas identified in the Strategy, and to support the work towards achieving these outcomes; and
- ii. to review and updated annually as further national legislative and policy changes occur, and that these revisions and progress updates should be reported to Cabinet annually.

### **3. MUSSELBURGH FLOOD PROTECTION SCHEME – DETERMINATION OF PREFERRED SCHEME**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) updating Cabinet on:

- the flood risk to Musselburgh as determined by the project's new Hydraulic Model, and which included the significant implications deriving from the inclusion of UKCP18 (UK Climate Projections 2018) climate change increases in flood event levels until 2100; and
- the Preferred Musselburgh Flood Protection Scheme (the Preferred Scheme) which had been develop through an iterative design approach within a consultative framework in partnership with key stakeholders and the people of Musselburgh.

Alan Stubbs, Service Manager – Roads, presented the report. He took Members through the report in detail, outlining the background to the current position. He drew attention to the various appendices to the report. The project was being advanced under the PRINCE2 Project Management System, which defined the project through nine distinct stages. This system provided for appropriate systematic management of this major, complex civil engineering project whilst simultaneously minimising the financial exposure of the Council. He gave details of the Option Appraisal Process (OAP), undertaken through an extensive consultation process. The Preferred Scheme was determined at conclusion of the OAP; he highlighted aspects of this, advising that the full Scheme was lodged in the Members' Library. He drew attention to costs, stating that the Scottish Government would contribute 80%. He gave details of the next stage (Stage 4, Outline Design) reporting that an update would be brought forward at the end of this stage in advance of Stage 5 (Approvals Process) commencing. Mr Stubbs informed Members that at that point the estimated Total Scheme Cost would require to be reflected within future Council financial plans.

Mr Stubbs, along with other officers, responded to questions. Mr Stubbs confirmed that the anticipated costs would be included within the Scottish Government's 80% contribution.

Connor Price, Project Manager, Roads Services, gave a detailed explanation of the new Hydraulic Model. He stated that physical flood preventions were now being considered, which he outlined. Measures proposed would ensure that natural processes would continue into the future thereby providing a natural reduction. Responding to further queries he referred to the major consultation carried out with key stakeholders and residents. He expanded on all the defences that would need to be constructed, stressing the recognition of engagement with the people of Musselburgh.

In relation to the planning stage, Mr Stubbs confirmed there would be flexibility within the Scheme as regards the design. In respect of working in a joint geographical sense with other councils he stated that lessons were being learned and the Project Team was aware of and involved in projects elsewhere. In East Lothian however only Musselburgh and Haddington were currently identified as flood risks in the Scottish Flood Risk Strategy. David Northcott,

Structures, Flooding and Street Lighting Team Manager, added that studies were also proposed for Dunbar and Cockenzie.

Responding to further points, Mr Stubbs explained that there would be a mixture of protection measures as part of the Preferred Scheme. He stressed that one of the key objectives of the project was not to have a scheme that would have a detrimental impact and any scheme would not increase flood risk to any property. Indeed it was a requirement of the Flood Risk Management (Scotland) Act 2009 not to do so: this was the legislation under which flood schemes were advanced and approved. There was also a legal obligation to comply with the Construction (Design & Management) Regulations (CDM), which were the main set of regulations for managing the health, safety and welfare of construction projects. On the usage impact for local clubs he advised that engagement had taken place with all stakeholders to ensure that activities continued with minimal impact. As regards the electric bridge, Mr Stubbs noted that the bridge was in the ownership of Scottish Power.

Councillor McMillan welcomed this report stating that the proposed actions would be of benefit to the people of Musselburgh.

Councillor Hampshire acknowledged the huge amount of work done to get to this position.

## **Decision**

The Cabinet agreed:

- i. to note the progress made in advancing the design of a flood protection scheme for Musselburgh since May 2016, and the increased flood risk that had driven the evolution of the flood protection scheme over that period;
- ii. to approve the Preferred Musselburgh Flood Protection Scheme as set out in detail in the Preferred Scheme Report, such that the Outline Design of this Scheme could be undertaken, and Instructed the Project Executive to return to Council at the end of project Stage 4 (Outline Design) with an update on the development of the Scheme, and in advance of the commencement of the Scheme Approvals Process under the relevant legislation;
- iii. to approve commencement of Stage 4 (Outline Design) of the Scheme Design in accordance with the project's PRINCE2 Project Management System; and
- iv. that the Project Team should seek to achieve multiple-benefits in accordance with the 'One Council' approach, and seek to weave in potential additional external funding such that this major infrastructural project simultaneously maximises the assets delivered and minimises the overall cost to the Council.

## **4. VARIOUS ROADS – EAST LOTHIAN, INTRODUCTION AND AMENDMENTS TO TRAFFIC REGULATION ORDERS 2020**

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 (TROs) to prohibit waiting, loading and unloading, introduce new speed limits and to ban and permit various types of vehicular traffic.

Peter Forsyth, Road Asset and Regulatory Manager, presented the report. He informed Cabinet that a review of restrictions had highlighted a number of areas that required amendment or introduction; these were detailed in Appendix A. He drew particular attention to TRO amendments/introductions at several specific locations. He referred to the other

proposals outlined in Appendices B and C, including consultation to make the 20mph speed limit in Dunbar permanent. He indicated that Police Scotland would be fully consulted on the introduction of all of these proposals/regulations.

Mr Forsyth responded to questions clarifying matters in relation to amendments 10, 12, 15 and 16 within Appendix A as raised by Members. Responding to Councillor Hampshire he advised that the timescale from approval, if granted, to implementation could take between 6 to 18 months depending on whether objections were received from the consultation process. Councillor Goodfellow welcomed the report. He proposed an addition to Appendix A to introduce waiting restrictions to improve visibility for access/egress at the junction of Ware Road and Dirleton Avenue in North Berwick. Councillor McMillan seconded this. The Cabinet agreed to this addition to Appendix A.

Councillors Akhtar and McMillan welcomed the introduction of waiting restrictions on Alderston Gardens, Haddington. Councillor McMillan remarked that an attitude change was needed as regards the consequences of indiscriminate and inconsiderate parking.

### **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 are in force in respect of locations and proposals listed in Appendix A, B & C:

## **5. BUDGET DEVELOPMENT 2020**

A report was submitted by the Head of Council Resources providing an update on matters affecting development of budgets including the draft budget proposals prepared on behalf of the Administration.

The Head of Council Resources, Jim Lamond, presented the report. He referred to the public budget consultations for General Services and the annual statutory consultation with rent payers; Appendices 1 and 2 contained the summary results. He stated that unusually at this stage of the process, the Council had not yet received any indication of the likely grant settlement or any related conditions from the Scottish Government, a situation caused by the late setting of the UK Budget following on from the December General Election. Although the Cabinet Secretary had now formally indicated that he would present his own Draft Budget to the Scottish Parliament on 6 February, with draft settlement figures for councils also expected that same day, there were currently no reliable details available on what levels of grant support could reasonably be expected nor any indication of whether or not there would be any capping of Council Tax increases. The draft Scottish Government Budget was not scheduled to complete the formal parliamentary process until week commencing 2 March and therefore, as with all other councils, the terms of the settlement offer made to East Lothian Council on 6 February would remain subject to change up until that time. Mr Lamond stated that it was also unknown whether or not any subsequent decisions taken within the UK budget on 11 March would have any further impact upon the Scottish Government and in turn on Scottish public bodies including councils.

He indicated that in the absence of Scottish Government Grant allocations, in drawing up their own draft budget proposals, the Administration had made a number of assumptions on the settlement grant figures, set out in Section 3.8 of the report along with a number of other notable planning assumptions. Notwithstanding the constraints imposed by this situation, in accordance with the decisions taken by Council on 29 October and 17 December last year, the Administration had prepared initial Draft Budget Proposals, Appendices 3 and 4 relate to

General Services and Appendix 5 covered the HRA. He outlined the next steps in the budget process, including previously agreed arrangements for submitting amendments.

In relation to a question from Councillor Akhtar Mr Lamond indicated that he had heard nothing to date regarding Scottish Government underspends and in-year flexibilities but reflected that in previous years, these had played a significant part in the final settlement.

Responding to a point raised by Councillor Goodfellow, Mr Lamond confirmed that Teachers' Pay was negotiated and set through a tripartite group which included the Scottish Government.

Councillor O'Donnell, referring to the Adult Wellbeing budget and to previous efficiencies, stated that regarding non-residential care services that this was not in the draft proposals as the policy was still being co-produced with the Charging Group. CoSLA was reviewing guidance to local authorities which would be issued in March. She reported that the Scottish Government had pledged to remove all charges for community alarms. She added that councils were operating in a very uncertain environment.

Councillor Akhtar expressed support for the CoSLA campaign for local authorities to receive the same level of percentage of additional resource as received by the Scottish Government. She highlighted an area of policy concern, of home to school link worker that CoSLAs Education Children's Group had been lobbying on and which would be pursued through the policy agenda.

Councillor Goodfellow, referring to the HRA budget, stated that the proposed capital expenditure for the next 5 years would help to address the chronic shortage of affordable housing.

Councillor Hampshire highlighted current uncertainties and the difficulties of trying to prepare a draft budget in this situation. He stressed that the Council would try and protect services for the people of East Lothian. A 3 year budget had to be produced to allow officers to future plan however the expectation was that the Scottish Government would again only produce a 1 year budget. The Administration was open to negotiations from other political groups.

## **Decision**

The Cabinet agreed:

- i. to note the current position relating to the national Local Government Finance Settlement and the implications for East Lothian Council;
- ii. to approve the draft budget proposals as contained within the report appendices noting the intention of the Council Leader to invite further discussion with other political groups via Group Leaders between now and the formal budget setting meeting; and
- iii. to request that any formal amendments to the draft proposals be submitted in accordance with the timeline set out in para 3.12 of the report.

Signed .....

Councillor Norman Hampshire  
Depute Council Leader and Depute Convener of the Cabinet





**REPORT TO:** Cabinet

**MEETING DATE:** 10 March 2020

**BY:** Head of Development

**SUBJECT:** Council House Allocations Targets for 2020/21

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**2**

## **1 PURPOSE**

- 1.1 To seek Cabinet approval for Council House Allocation Targets for the period 1 April 2020 to 31 March 2021.

## **2 RECOMMENDATIONS**

- 2.1 That Cabinet approves the recommended targets detailed in Section 3.22 of this report.
- 2.2 That Cabinet notes that performance against these targets is reviewed on a weekly basis and that such review forms part of the analysis in setting future targets in 2020/21 and beyond.
- 2.3 That Cabinet notes that ongoing regular monitoring of performance has been embedded within the Community Housing Performance Management Framework.

## **3 BACKGROUND**

- 3.1 The Council operates a Group and Points Allocations Policy, which has been operational since its introduction in July 2007. A review of the Policy took place in 2018/2019 with full implementation of the new policy on 1 May 2019.
- 3.2 The main objective of the Allocations Policy is to meet the Council's legal obligations specified in the Allocations and Homelessness legislation. The policy, along with other associated actions will also help the Council make best use of Council housing stock. In addition, the policy also assists the Council achieve, along with other complementary actions, balanced and sustainable communities through local lettings plans.

## **Legal Obligations**

- 3.3 In setting any targets against each group the Council must give reasonable preference to certain statutory groups when allocating Council houses. These include applicants living in unsatisfactory housing conditions; tenants in social housing who are under occupying their property and who have unmet housing needs and to those applicants who are homeless or threatened with homelessness.
- 3.4 Most of the statutory groups are found in the General Needs Group, although some applicants may fall into the Transfer Group, such as those who need re-housing because of overcrowding, under-occupation or whose health is being negatively impacted upon in their current accommodation.
- 3.5 The Homelessness etc. (Scotland) Act, which took effect from 1 January 2013 has abolished the “priority need” test and now places a duty on local authorities to provide settled accommodation to anyone found to be unintentionally homeless.
- 3.6 The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 states that persons who are pregnant or who have dependent children and those who might reasonably be expected to reside with them cannot occupy unsuitable temporary accommodation i.e. bed and breakfast for longer than seven days. This in turn places further demands on the Council’s housing list.
- 3.7 The Children and Young People (Scotland) Act 2014 specifically impacts on the provision of accommodation to young people leaving the care system. The Council “Starter Flat” approach, which allocates these tenancies within the General Needs Group has already helped the Council deliver its corporate parenting objectives.

## **Target Principles**

- 3.8 Scottish Government Allocations Guidance (2019) states that all targets should contain sufficient flexibilities to allow the landlord to continue to meet significant need when a target has been reached. The functionality to review targets against changing housing demand forms part of a responsive allocations policy.
- 3.9 With this in mind, the allocations targets will be reviewed within six months to ensure that they continue to reflect the greatest housing demand. If, after analysis, a change to the targets is deemed necessary, a paper outlining the change will be submitted to Cabinet for approval.

## **Making best use of stock**

- 3.10 Significant effort has been made in the last few years to encourage transfer activity in order to make best use of stock i.e. by creating vacancy chains, which free up additional houses to those initially let to transfer applicants.

- 3.11 To help facilitate this, the Council has also 'incentivised' transfers for existing tenants in larger family-sized properties to move to smaller and more appropriately sized accommodation by awarding downsizing grants.
- 3.12 Housing benefit changes with effect from April 2013 affected those who have a "spare" bedroom deemed to be under occupying. This has led to some tenants wanting to downsize, in turn creating greater demand for smaller sized accommodation.
- 3.13 Full mitigation of the Housing Benefit under-occupancy reduction through Discretionary Housing Payments has helped ease this pressure but this may not continue to be a long-term solution and is the subject of various committee reports.
- 3.14 In March 2019 Cabinet continued to approve allocations targets that broadly align to overall housing list demand where most of the reasonable preference groups' applicants can be found, not least those who are homeless. As previously, it is proposed that the targets remain set at this level going forward.
- 3.15 At the end of January 2020, 74.70% of all allocations for 2019/20 have gone to the General Needs group against a target of 70% and 24.82% of allocations have gone to the Transfer group (against a target of 25%).

### **Sustainable Communities**

- 3.16 Good practice states that landlords should not exclude any prospective tenants from accessing housing.
- 3.17 Good practice also dictates that Local Lettings Plans can only be used where there is demonstrably good reason to do so e.g. high turnover, anti-social behaviour etc. and to promote and enable balanced and sustainable communities.
- 3.18 The Council must set appropriate targets for those with low housing need at such a level that make sufficient material and positive impact to Local Lettings Plans, but at the same time continue to allow the Council to meet its overriding legal obligations to the reasonable preference groups as defined in housing legislation. As such, this flexibility within the lettings targets to positively and materially impact on housing allocations should be retained.
- 3.19 Each local housing team has brought forward local lettings plans to help achieve balanced and sustainable communities. These plans have been approved by their respective Local Housing Partnerships (LHPs) and can be found in the Members Library. Operational pressures and the requirement to consult have contributed to delays in bringing these plans forward and as such these delays have resulted in the 2019/20 targets not being met. Nevertheless the aim is to have the new lettings plans all in place before the end of the financial year to enable targets to be met in 2020/21. These plans currently relate to areas within Musselburgh, Prestonpans, North Berwick and Tranent and will be kept under continuous review to ensure they are achieving the desired outcomes.

3.20 It is anticipated that the total target for Sustainable Communities will not exceed 5% but again will be subject to strict monitoring.

**2019/20 Allocations against reported groups (as at end of Jan 2020)**

3.21 There were a total of 423 allocations from 1 April 2019 to 31 January 2020. The following table shows the numbers and percentages of allocations for the following groups for this period.

| Type                    | Number | Percentage | Targets 2018/19 |
|-------------------------|--------|------------|-----------------|
| General Needs           | 316    | 74.70%     | 70%             |
| Transfers               | 105    | 24.82%     | 25%             |
| Sustainable Communities | 2      | 0.47%      | 5%              |
| Total                   | 423    | 100%       | 100%            |

3.22 Taking account of the 2019/20 data, legal obligations such as the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014, , increasing pressure on the provision of temporary accommodation, optimum stock utilisation and sustainability objectives, senior management within Housing propose the following percentage targets for 2020/21.

| Group                   | Proposed Targets |
|-------------------------|------------------|
| General Needs           | <b>70%</b>       |
| Transfers               | <b>25%</b>       |
| Sustainable Communities | <b>5%</b>        |

3.23 These targets should be seen in the context of a range of measures required by the Council and its partners to increase the supply of affordable housing, and to address homelessness through the delivery of the Council's Rapid Rehousing Transition arrangements, the detail of which can be found in the reports to Cabinet dated 22 January 2019 and 10 September 2019.

#### **4 POLICY IMPLICATIONS**

4.1 The proposed allocations targets will assist the Council to meet its legal obligations under the Housing (Scotland) Act 2014, the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 (as amended) and the Homelessness etc. (Scotland) Act 2003 along with delivery of its Rapid Rehousing Transition Plan ambitions.

## **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 – Continuing to set targets at this level will help reduce the overall financial strains on the provision of temporary accommodation by assisting throughout of all forms of temporary accommodation to settled accommodation.
- 6.2 Personnel – None.
- 6.3 Other – None.

## **7 BACKGROUND PAPERS**

- 7.1 Cabinet Report – Council Housing Allocations Review 2019 – March 2019.
- 7.2 Cabinet Report – Council House Allocations Targets for 2018/19 – March 2019
- 7.3 Cabinet Report – Draft East Lothian Rapid Rehousing Transition Plan 2019/20 – 2023/24 – January 2019
- 7.4 Cabinet Report – Update on Rapid Rehousing Transition Plan and Changes to Homelessness Legislation – September 2019
- 7.5 Members' Library – Local Lettings Plans – March 2019

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|----------------------|---------------------|
| <b>AUTHOR'S NAME</b> | Douglas Proudfoot   |
| <b>DESIGNATION</b>   | Head of Development |
| <b>CONTACT INFO</b>  | James Coutts x 7483 |
| <b>DATE</b>          | March 2020          |



**REPORT TO:** Cabinet

**MEETING DATE:** 10 March 2020

**BY:** Head of Development

**SUBJECT:** Global UK Resettlement Scheme/Asylum Seekers

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**3**

## **1 PURPOSE**

- 1.1 To obtain approval in principle to participate in the new global UK Resettlement Scheme that will commence in April 2020, which will subsume the current Syrian Resettlement Programme and to subsequently advise COSLA of this in principle commitment.
- 1.2 To note the Council's position in respect of the National Transfer Scheme and asylum seekers generally.

## **2 RECOMMENDATIONS**

- 2.1 That Cabinet agrees to participate in the new global resettlement scheme in principle.
- 2.2 That Cabinet notes the Council's position in respect of asylum seekers generally.

## **3 BACKGROUND**

### Global UK Resettlement Scheme

- 3.1 In October 2015, East Lothian Council responded to an urgent request from the UK Government and COSLA's Strategic Migration Partnership to assist those refugees displaced from Syria. As a result the Council committed to resettle up to seven families per year (equating to an estimate of 30 refugees per year) over a five year period under the Syrian Vulnerable Persons Resettlement Scheme (SVPRS).
- 3.2 A separate report has been lodged in the Members Library Service detailing progress against this commitment.
- 3.3 The current scheme concludes in March 2020 and will be replaced by a new UK national global scheme that will broaden the geographical focus

of current schemes beyond the Middle East and North Africa with continued funding in place.

- 3.4 The new scheme will aim to resettle approximately 5,000 people in the UK in its first year 2020/21, which local authorities can sign up to voluntarily.
- 3.5 COSLA along with the other Local Government associations have been lobbying to secure a realistic funding package to ensure participation in the future scheme, which has recently been confirmed by the Minister of State for Immigration.
- 3.6 It is expected that Scotland will be asked to resettle ten per cent of those being resettled in the UK.
- 3.7 COSLA is seeking to understand local authorities' abilities to participate in the new scheme over the coming months, which will in turn inform the overall Scottish commitment as well as reaffirm the broad commitment from Scottish Local Government to support the UK's role in this endeavour.
- 3.8 The detail of individual local authorities' actual commitment is still to be agreed but it is envisaged that East Lothian Council subject to Cabinet approval will commit to its pro-rata amount against Scotland's share.

#### Vulnerable Children's Resettlement Scheme (VCRS)

- 3.9 This scheme was introduced by the Home Office in spring 2016 following a ministerial visit to refugee camps in the Middle East. The basis of this scheme is very similar to the SVRPS scheme above with families being resettled but where the vulnerability within a family is due to the needs of the children.
- 3.10 This programme though has separate funding mechanisms that would involve the Council in establishing new arrangements to receiving funding for what is in essence the same client group.
- 3.11 Given the above and East Lothian Council's existing commitment under the SVRPS arrangements, the Council has not committed to taking on any families through this route. The VCRS scheme will be incorporated into the new Global Resettlement Scheme from April 2020.

#### Unaccompanied Asylum-Seeking Children (UASC)

- 3.12 The National Transfer Scheme (NTS) protocol for unaccompanied asylum seeking children (UASC) has been created to enable the safe transfer of unaccompanied children from the entry local authority to another local authority to help ensure a more even distribution of unaccompanied children across local authorities.
- 3.13 The NTS has been open to Scottish local authorities since 2018. Despite an openness to involvement by Scottish local authorities, there has been



no successful transfers in Scotland to date.

- 3.14 This has had a knock-on effect of increasing numbers of spontaneous arrivals resulting in increasing pressures for local authorities, including East Lothian (see para 3.20 onwards).
- 3.15 The Home Office-chaired UASC Governance Board, of which COSLA is a member, is now exploring the redesign of the National Transfer Scheme to facilitate the involvement of more local authorities across the UK, with COSLA lobbying for full-cost recovery for local authorities involved in the scheme.

### Asylum Seekers Dispersal Scheme

- 3.16 The current asylum dispersal scheme was established in 1999 supported by around 12 local authorities, of which the only Scottish one is Glasgow City Council.
- 3.17 COSLA is working with the Home Office and other Local Government Associations to ensure that dispersal is managed in a more sustainable manner going forward with adequate funding for any local authority that wishes to participate.
- 3.18 At the time of writing this report, it is understood that no Scottish Council has as yet confirmed any formal interest in assisting with the roll-out of the current scheme, the main elements of which are:
- With the agreement of the local authority concerned, the asylum contractor would secure housing in an area for use (temporary accommodation) by clients during their asylum application.
  - Currently just under 50% of asylum applications are successful, taking around six months per application. 80% of the asylum seekers are younger single people (mainly male).
  - When an asylum application is successful, the applicant concerned has 28 days to secure housing, arrange benefits etc. and to vacate the temporary accommodation.
- 3.19 Although East Lothian Council staff met with Home Office officials in February 2017 to explore ELC's interest in being involved, it was not progressed for a variety of reasons including:
- The Council's current difficulty in meeting homeless obligations to single people, with this client group facing extensive waiting times for re-housing.
  - Any such commitment would place greater strain on temporary accommodation use and increase demand for permanent accommodation in an already extremely pressured housing market.
  - Challenges continue with the delivery of the Universal Credit process and delays in payment.

- There are a number of support and advice agencies for this client group in the west of Scotland but significantly less so in the east.
- Issues with the dispersal scheme itself, which are now being reviewed to ensure local authorities are equal partners in the process and are appropriately funded and supported.

### Asylum Seekers Arriving in Scotland Out with Formal Resettlement Schemes

- 3.20 Not all asylum seekers arrive in a location through one of the above schemes. Some arrive completely independently and often after harrowing international journeys e.g. human trafficking, stowaways, smuggled etc.
- 3.21 Between August 2017 and December 2019, five young people presented as “spontaneous arrivals” in East Lothian. To date, these arrivals have been under-18 and as such are classified as looked after, with the Council obligated under the Children and Young Persons (Scotland) Act 2014 and associated Corporate Parenting responsibilities to provide appropriate accommodation, financial support and practical support to these young people.
- 3.22 This group has faced significant trauma however are different within their presentation and needs to the care leavers population within East Lothian. These young people are destitute, have no recourse to public funds whilst their asylum is being dealt with and have limited English. This results in a high level of both financial and practical support needs, which can involve extensive use of translating services. As their status is encompassed under the Children’s legislation, the Independent Care Review reference this group within their report.

## **4 POLICY IMPLICATIONS**

- 4.1 The re-housing of refugees on a proportionate basis can be established under existing allocations policy and homelessness legislation.
- 4.2 Unaccompanied asylum seekers are housed through Children’s Services on an emergency basis, this has included the use of Lothian Villa residential children’s house, supported accommodation at North High Street Blue Triangle Housing Association Project or Bed and Breakfast accommodation. By the unplanned nature of their arrival, this cannot be planned for and has a considerable impact upon resources.

## **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 An integrated impact assessment (IIA) was undertaken at the commencement of the scheme and also incorporated as part of the IIA for the new Allocations Policy approved by Cabinet in March 2019.

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – The agreement with the Home Office under the current SVRPS process includes agreed costs for resettling refugee families, which have sufficed for the delivery of services to this group. These arrangements will continue for the new global UK Resettlement Scheme.

Responsibilities associated with supporting young asylum seekers who present spontaneously lie with the Council in which the asylum seeker is found. Two rates of funding are paid by the Home Office. For young people looked after, £114 per day is provided. For young people who are over 18 years placed in Bed and Breakfast or supported accommodation, £28.57 is the daily rate payable. These costs are currently met by the Children's Services budget and so far total around £355,000 to accommodate and meet the needs of five unaccompanied asylum seeking children and young people in East Lothian. To date £30,000 has been received through Home Office funding.

- 6.2 Personnel – Given the relatively small numbers of families concerned all activities associated with the resettlement of refugees under current arrangements and the proposed new global UK Resettlement Scheme can be managed within existing resources as long as East Lothian commits to a pro-rata share.

For unaccompanied asylum seeking young people, the current funding from the Home Office does not cover staffing requirements for this small group of young people who have intensive needs.

- 6.3 Other - None

## **7 BACKGROUND PAPERS**

- 7.1 East Lothian Council Report, 27 October 2015 – Syrian Refugees [https://www.eastlothian.gov.uk/meetings/meeting/5691/east\\_lothian\\_council](https://www.eastlothian.gov.uk/meetings/meeting/5691/east_lothian_council)
- 7.2 Members Library Report, March 2020 – Syrian Resettlement Programme Update
- 7.3 Appendix 1 – COSLA report dated June 2019
- 7.3 Appendix 2 – Letter from Home Office June 2019
- 7.4 Appendix 3 – LA Resettlement Scheme Briefing Note

|                      |   |
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## Refugee Resettlement

### **Summary and Recommendations**

Scottish Councils have played a pivotal role in the resettlement of refugees through the Vulnerable Persons Resettlement Scheme, the Vulnerable Children's Resettlement Scheme, and associated schemes for unaccompanied young people. UK Government has recently announced the extension of their commitment to resettlement beyond the end of current schemes in 2020 and will be seeking support from Local Authorities across the UK in order to fulfil their commitment. In addition, work is ongoing to improve the National Transfer Scheme for unaccompanied asylum-seeking children and COSLA is seeking to provide input from Scottish Councils in order that the scheme is fit for purpose going forward.

Leaders are invited to:

- i. Reaffirm Scottish Councils' commitment to supporting the resettlement of refugees to the UK; and
- ii. Agree that COSLA continues to engage with the Home Office in order that the National Transfer Scheme for unaccompanied asylum-seeking children meets the needs of both the children and young people concerned, and the Local Authorities that support them.

### **References**

- January 2018, Leaders, Item 3 – Unaccompanied Asylum-Seeking Children – National Transfer Scheme
- September 2017, Community Wellbeing Board, Item 9 - Refugee Resettlement
- February 2017, Leaders, Item 12 – Unaccompanied Asylum-Seeking Children Update
- November 2016, Leaders, Item 13 – Calais Crisis Update and Unaccompanied Asylum-Seeking Children
- August 2016, Leaders, Item 5 – Unaccompanied Asylum Seeking and Refugee Children
- May 2016, Leaders, Item 1a – Unaccompanied Asylum Seeking and Refugee Children
- May 2016, Leaders, Item 2 - Accommodating Refugees and Asylum Seekers - Update
- November 2015, Leaders, Item 14 - The Refugee Crisis and Resettlement Programme
- September 2015, Leaders, item 3b - The Refugee Crisis and Resettlement Programme

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**June 2019**

## Refugee Resettlement

### **Purpose**

1. This paper seeks agreement from Leaders that Scottish Councils will continue to support the resettlement of refugees to the UK through the recently announced scheme that will replace current schemes in 2020. The paper also provides an update on associated work by Local Authorities to support unaccompanied asylum-seeking children (UASC) and asks for Leaders' endorsement of work to seek improvements to the current National Transfer Scheme for UASC.

### **Current COSLA Position**

2. Since 2015, Scottish Councils have played a leading role in the resettlement of refugees to the UK. All 32 councils in Scotland are actively participating and, to date, over 3,000 refugees have been resettled under the Vulnerable Person Resettlement Scheme (VPRS) and the associated Vulnerable Children's Resettlement Scheme (VCRS). This has greatly exceeded the initial commitment that was made by Scottish Councils to resettle 2,000 of the 20,000 people being resettled in the UK between 2015 and 2020.
3. The VPRS and VCRS are due to conclude in March 2020. Over the past 12 months COSLA, Scottish Government and our local and devolved government colleagues across the UK have been pressing UK Government to announce plans for resettlement post 2020. We were becoming increasingly concerned that the lack of clarity regarding the UK's position on resettlement beyond 2020 was having a detrimental impact on the ability of councils to plan their long-term approach to resettlement. There was also a real danger that the removal of funding at the end of current programmes would have resulted in the loss of invaluable experience and expertise that has built up within councils over the last four years.
4. The announcement from the Home Secretary in the UK Parliament on 17 June has provided much needed clarity in this regard and will enable councils to make informed decisions regarding their role in resettlement going forward.
5. In addition to supporting resettled refugees, a number of councils in Scotland support UASC who have either been placed with them through UK Government schemes, or who have arrived by other routes (so-called spontaneous arrivals). Leaders will recall that in, February 2018, the National Transfer Scheme, legislated for in the Immigration Act 2016 to enable the dispersal of UASC across the UK, was extended to cover Scotland.
6. However, while COSLA was part of successful lobbying which recently achieved an uplift in the daily rate paid to Local Authorities that support UASC, the National Transfer Scheme remains fraught with difficulties and no Local Authorities in Scotland have been able to participate to date, though a number are supporting young people who have come to the UK under s.67 of the Immigration Act (the 'Dubs Amendment').

## **What is Changing?**

### *Refugee Resettlement*

7. Leaders will have received a letter from the UK Immigration Minister on 17 June, outlining details of the UK's ongoing commitment to the resettlement of refugees. The letter is attached to this paper at Appendix A.
8. While the detail of the scheme is to be worked through over the coming months, the information that is currently available regarding it is that:
  - i. All current resettlement schemes will be replaced by one broad global scheme. This will bring consistency of provision for all refugees who are resettled in the UK and will broaden the geographical focus of current schemes beyond the Middle East and North Africa;
  - ii. The 5-year funding tariff that is currently in place for both the VPRS and VCRS schemes will continue, along with the provision of additional funding for exceptional cases;
  - iii. Current levels of resettlement will be sustained, with the aim of resettling approximately 5000 people across the UK in the first year of the new scheme in 2020/21;
  - iv. The scheme will continue to allow Local Authorities to sign up on a voluntary basis;
  - v. The scheme will continue to be based on UNHCR vulnerability criteria. However, it will not just be focused on Syrian refugees but on those that are in the greatest need across the world, to enable the UK to respond to immediate crises where appropriate;
  - vi. An additional emergency resettlement route is to be developed to allow the UK to respond quickly to instances when there is a heightened need for protection and to provide a faster route to resettlement where lives are at risk; and
  - vii. Community Sponsorship will continue and refugees who enter the UK through this scheme will be in addition to those who arrive through resettlement.
9. With regard to funding, Local Government associations across the UK have been lobbying on behalf of Local Authorities to secure a realistic funding package to ensure participation in any scheme post 2020 remains feasible. It is positive that UK Government has taken our feedback into account and is continuing to provide the same level of funding that has enabled the current schemes to run successfully.
10. It is anticipated that the 'ask' from UK Government will be that Scotland resettles approximately ten per cent of all those being resettled in the UK. While Scottish Councils have, in many ways, led the way on resettlement over the past four years (well over ten per cent of the 20,000 refugees the UK is committed to resettle by 2020 have already been resettled in Scotland), participation rightly continues to be a decision for individual Local Authorities to take.

### *Unaccompanied Asylum-Seeking Children*

11. The National Transfer Scheme (NTS) has been running in England since 2016 and has been open to Scottish Local Authority involvement since February 2018. While the prioritisation of unaccompanied children being transferred from Europe under s.67 of the Immigration Act (the 'Dubs Amendment'), and through the VCRS, has impacted upon the number of children being transferred through the NTS, it is apparent that the NTS itself is not fit for purpose. There have been decreasing numbers of Local Authorities across the UK participating and, despite an openness to participate from a number of councils in Scotland, there have been no successful transfers to Scotland at all. This is resulting in increasing pressures on those Local Authorities that experience high numbers of spontaneous arrivals.



12. In light of this, the Home Office-chaired UASC Governance Board, of which COSLA is a member, is exploring the redesign of the National Transfer Scheme to facilitate the involvement of more Local Authorities across the UK. It is important that the views of Scottish Local Authorities are fed into these discussions in order that the Scheme provides the best possible solution for the young people themselves, and for the Local Authorities that are involved.
13. More broadly, COSLA continues to lobby UK Government for full cost recovery for supporting UASC, including through the current review of funding provided by the Home Office for former UASC leaving care.

### **Proposed COSLA Position**

14. With respect to resettlement, Leaders are asked to agree that COSLA engages with individual Local Authorities over the coming months in order that a picture can be built of Councils' ability to participate in the new scheme. This will enable COSLA to provide feedback to the Home Office regarding the scale of the commitment that can be expected from Scottish Local Authorities going forward.
15. Notwithstanding the number or proportion of refugees that are ultimately resettled in Scotland, Leaders are also asked to reaffirm the broad commitment from Scottish Local Government to support the UK's role in resettling those who have to flee from persecution in their country of origin.
16. In addition, it is proposed that COSLA continues to work with the Home Office and Local Authorities to ensure any redesign of the National Transfer Scheme for UASC is fit for purpose. A central element of this engagement will be to continue lobbying UK Government for full cost recovery to support the role that Local Government plays in this regard.

### **Next Steps**

17. Subject to agreement from Leaders, COSLA will engage with Councils regarding their involvement in resettlement going forward, and their views on the best means of supporting UASC. These perspectives will inform our ongoing discussions with the Home Office.

**June 2019**





Appendix 2

2 Marsham Street  
London SW1P 4DF  
[www.gov.uk/home-office](http://www.gov.uk/home-office)

Local Authority Leaders  
Local Authorities in Scotland and Wales

Sent via email

17 JUN 2019

Dear Colleagues,

I am writing to inform you that the Government has today reaffirmed our commitment to the resettlement of refugees in anticipation of the conclusion of our three largest resettlement schemes in 2020. I hope this is welcome news to you and your communities. The success of resettlement in the UK to date has been achieved by working in partnership with over 300 local authorities. Many of you are participating in delivering the current schemes and your work to support and integrate these vulnerable refugees is greatly appreciated.

In the statement the Home Secretary has made to Parliament, he set out the Government's ongoing commitment to resettlement. We will consolidate our biggest schemes into a new global resettlement scheme. Our priority will be to continue to resettle the most vulnerable refugees, identified and referred by UNHCR. Under the global resettlement scheme, we will broaden our geographical focus beyond the Middle East and North Africa region and will also be better placed to swiftly respond to international crises in coordination with global partners.

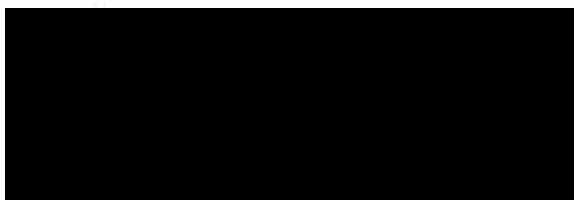
In the first year of operation, the UK will aim to resettle in the region of 5,000 of the world's most vulnerable refugees. Ensuring local authorities can provide resettled refugees with the help and support they need to successfully integrate in their new communities remains central to our approach. Hence, I am happy to confirm that we have retained current funding rates for those arriving in the first year of the scheme, meaning a local authority will continue to receive the five-year tariff of £20,520 for each refugee with a top-up (for year 1) for children aged 3-18 years.

A new process for emergency resettlement will also be developed, allowing the UK to respond quickly to instances of heightened protection need, providing a faster route to protection where lives are at risk. We will work closely with local authorities, regional Strategic Migration Partnerships and other partners over the coming months as we develop the new arrangements.

The Community Sponsorship scheme, which enables community groups to directly welcome and support refugees in the UK, will continue. Building on the experience of delivering the current schemes and the significant contribution of our community sponsors, a key part of our resettlement offer will be that those resettled through our community sponsorship and Mandate routes will be in addition to our yearly, global commitment.

I would like to take the opportunity to acknowledge the invaluable contribution that many of you have made in delivering the current commitments. I hope you will continue to support refugees under the new scheme. In addition, I would welcome pledges of support from authorities yet to engage in resettlement. My officials will be in touch soon to provide more detailed information on how you can support us. In the meantime, if you would like to discuss any aspect of this letter, please do not hesitate to contact me.

Over the last few years, we have together made significant progress in our contribution to global resettlement efforts. We recognise the positive difference that local authorities, regional Strategic Migration Partnerships, communities, and community sponsors have made to the lives of refugees resettled in the UK. It is right that we today reaffirm our ongoing commitment to supporting refugees, and to working with partners to find a longer-term approach to refugee protection – an approach that restores dignity and offers refugees a viable future.



**Rt Hon Caroline Nokes MP**  
**Minister of State for Immigration**



Home Office

Appendix 3

# UK Resettlement Scheme

## Note for Local Authorities

August 2019



## Introduction

Resettlement continues to be a critical protection tool, providing a pathway to safety for refugees who can no longer remain in their host-countries. With the support of local government, the UK's existing schemes have provided safe and legal routes for tens of thousands of people to start new lives. However, the global need for resettlement continues to grow; the United Nations High Commissioner for Refugees (UNHCR) estimate that in 2020 more than 1.4 million refugees will need to be resettled.

The UK Government confirmed on 17 June 2019 its ongoing commitment to resettlement, announcing plans for a new UK Resettlement Scheme which will see thousands more refugees provided with a route to protection when it begins in 2020. This briefing note sets out further information for local authorities about the new scheme.

## Overview

The UK Resettlement Scheme will consolidate the existing Vulnerable Persons' Resettlement Scheme (VPRS), Vulnerable Children's Resettlement Scheme (VCRS) and Gateway Protection Programme which will all naturally come to an end in 2020. This new scheme will be open to refugees identified by UNHCR to be in need of resettlement to the UK because of their vulnerability and does not have a specific geographical focus. Those resettled through our Community Sponsorship and Mandate routes will be in addition to our yearly, global commitment.<sup>1</sup>

We are looking for the ongoing support and participation of local government across the UK and encourage local authorities to submit their offer of places for the new scheme as soon as possible. We continue to warmly welcome interest from those authorities who have yet to take part in resettlement.

We are planning a smooth transition, with arrivals under the new scheme expected to start once arrivals under the VPRS are completed; this is estimated to be in Spring 2020. We expect there to be a seamless continuation of arrivals between the current and the new scheme. This is in line with feedback from regional Strategic Migration Partnerships (SMPs) on what LAs would find most helpful in transition.

We would also welcome conversations with local authorities who are able to offer additional places under the current schemes. This would enable authorities to maintain momentum with their arrivals and ensure consistency in provision of services as we move towards the start of the new scheme.

## Eligibility

The new UK Resettlement Scheme will continue to be based on vulnerability, with refugees assessed for resettlement by UNHCR against their [resettlement submission categories](#). We

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<sup>1</sup> More information on all current resettlement schemes can be found [here](#)

will work closely with UNHCR to identify vulnerable refugees from around the world where resettlement to the UK offers the best durable solution.

### **Who we will resettle**

In the first year of the new scheme it is anticipated that the caseloads of refugees we resettle will continue to look broadly similar to those we see under our existing schemes, with the majority coming from the MENA region. We already operate in line with UNHCR's global priorities and will continue to do so, however over time the nationalities of refugees resettled may change in response to world events and the global context.

As the profiles of those we resettle change, the Home Office will continue to work closely with SMPs and local authorities to match refugees to housing availability in areas that can provide appropriate support to those we resettle.

### **Numbers**

In the first year of operation of the new scheme, the UK will aim to resettle in the region of 5000 refugees with those arriving through our Mandate and Community Sponsorship routes additional to this number. The Government remains committed to resettlement, and decisions on the number of refugees to be resettled in subsequent years will be determined through future spending rounds.

Year on year, resettlement volumes are likely to fluctuate according to the flow of referrals from overseas and the availability of suitable accommodation and support in the UK.

### **Role of Local Authorities**

Local authority participation in the new scheme will continue to be voluntary, with refugees allocated in the same way as currently under VPRS and VCRS. We will continue to work closely with local authorities across the UK to ensure they are able to support those who are allocated to them for resettlement under the new scheme.

Local authorities will retain the same role in the community sponsorship process and we would ask they continue to engage positively with groups that come forward to participate in community sponsorship.

### **Role of Regional Strategic Migration Partnerships**

SMPs will continue to provide support to local authorities to help deliver resettlement, including coordinating offers of places and planning for the arrival of refugees, together with sharing of expertise and knowledge to enable councils to resettle successfully.

### **Funding Package**

The funding package available under the new scheme will mirror that currently paid under VPRS and VCRS; a local authority will receive a five-year tariff of £20,520<sup>2</sup> for each refugee with an additional education tariff (for year one) for children aged 3-18 years. Additional

---

<sup>2</sup> £20,000 in Northern Ireland as social care element paid directly to Department of Health



funding will continue to be made available, on a case by case basis, for exceptional costs incurred by local authorities, including; property adaptations, void costs for larger (4 bed) properties, special educational needs, and adult social care.

The post-arrival resettlement support requirements of local authorities will mirror those issued under the VPRS and VCRS.

### **Health Care**

All refugees referred for potential resettlement undergo a health assessment through International Organization for Migration as part of the resettlement process. The findings of these assessments will continue to be passed to local authorities considering resettlement of that individual to ensure suitable treatment/support can be provided upon arrival.

As with existing schemes, resettled refugees under the new scheme will be able to access healthcare via the NHS free of charge. The £2600 per refugee for health costs made available to healthcare providers under the VPRS and VCRS will continue to be available under the new scheme.

### **Access to Benefits and Work**

Refugees resettled under the new scheme will have access to mainstream benefits and services to enable their integration; work continues across Government to ensure services meet the needs of refugees. They will also have immediate and unrestricted access to the labour market.

### **English Language**

Refugees will continue to be able to access English language tuition that is fully funded through the Adult Education Budget (AEB) if they are unemployed and in receipt of certain benefits; or if they are in an area that is part of the AEB low wage trial and they earn less than £16,009.50. Children in full time education will receive English language support in schools.

Additional language funding of £850pp will continue to be available in year one. This is intended to boost local capacity and supplement mainstream AEB provision. As with the current scheme, Home Office will include outcomes associated with this additional funding in the annual funding instruction. Local authorities will also continue to be able to use the tariff to further top up costs of language provision. Funding will also be available to help with child care costs in relation to attendance at ESOL classes.

### **Community Sponsorship**

The community sponsorship scheme has been a real success and is established now, with a broad range of experience, training and support available to community groups, through Reset, the organisation established to build capacity amongst potential community sponsors. Reset currently provides services including in-person training, a range of online material to support groups in preparing their application and supporting a family <https://training-resetuk.org/> an application checking service and a post-arrival advice

line. Reset are also developing resources for local authorities about the process of providing consent.

***Please get in touch with your Resettlement Contact Officer and regional SMP lead if you require further information, and to discuss your offer of new resettlement places under the current or future scheme.***

**REPORT TO:** Cabinet

**MEETING DATE:** 10 March 2020

**BY:** Depute Chief Executive (Resources & People Services)

**SUBJECT:** Revised Code of Conduct Policy

**4**

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**1 PURPOSE**

- 1.1 To seek approval from Cabinet on amendments to the Code of Conduct Policy which outlines arrangements for all council employees including teachers, craft workers and Chief Officials.

**2 RECOMMENDATIONS**

- 2.1 That Cabinet approve the revised Policy, attached at Appendix A, which will be introduced from the date of approval by Cabinet, allowing time for communication of the revised Policy to be issued to all staff.

**3 BACKGROUND**

- 3.1 In January 2019, Internal Audit, identified that there were a number of areas for improvement within the current Code of Conduct Policy to ensure clear approaches in identifying, monitoring and managing potential employee conflicts of interest.
- 3.2 Audit recommendations also outlined the need to establish consistent and clear processes where employees are required to make annual declarations regarding potential breach of conflicts and are made aware of consequences regarding any breach of the policy.
- 3.3 The revised Code of Conduct policy has been benchmarked against seven other Councils, including Edinburgh and Midlothian and expanded to include the COSLA Code of Conduct for Local Government Employees, which outlines conflict of interests. Furthermore, the policy now subsumes the council's current Gifts and Hospitality (2014) policy.

**Current Position**

- 3.4 Following engagement with Trade Union colleagues and employee consultation, between 16 December 2019 and 15 January 2020, a range of feedback was received including the following which has been incorporated into the attached policy (Appendix A).

- 3.5 Minor changes to wording and grammar to address typos and outdated terminology (e.g. point 6.4 re “public servant” and point 19.1 re “Community Charge”).
- 3.6 In response to collective feedback relating to proposals to have employees seek written permission to undertake voluntary work, section 5 of the policy has been updated to make distinctions in notification procedures for paid secondary employment versus volunteering activities.
- 3.7 The Introduction section has been expanded to clarify employee responsibilities and to outline the need for employees to declare any new potential conflicts of interests as soon as reasonably practicable.
- 3.8 Inclusion of a section relating to competitions and prizes that employees may have the opportunity to enter and receive in the course of their work (see section 12).
- 3.9 Clarifications in relation to reference to the Whistleblowing processes (see points 22.4 & 22.5).
- 3.10 Inclusion at point 6.3 re pupils & young people, outlining boundaries for teachers, support staff, instructors and youth workers in relation to use and retention of personal contact details.
- 3.11 Point 16.4 has been amended to reflect that as an organisation we would not pursue a defamation claim by way of legal action, as this is only open to individuals.
- 3.12 Additional feedback which has not been incorporated specifically into the policy at this time includes the following:
  - 3.13 That the council considers future publication of HR policies on the Internet.
  - 3.14 A suggestion to consider reference to employees who are in arrears or have outstanding debts to the council was not included as this is already covered in the council’s Disciplinary Code.
  - 3.15 Appendices within the policy have been updated to include forms in relation to secondary employment, conflict of interests and gifts and hospitality.
  - 3.16 Generally, the policy has been well received by Trade Union colleagues, employees and managers and has received a higher volume of feedback to date. No further significant revisions have been highlighted during consultation.

#### **4 POLICY IMPLICATIONS**

- 4.1 If approved by Cabinet, the revised policy will be implemented through publication on the Intranet, provision of guidance and briefings for managers as required, supported with all employee communications via Inform and MyHR.
- 4.2 A communication plan will be developed for managers and employees to ensure consistency of application of the policy, awareness of individual

responsibilities under the policy and the implications of wilful non-disclosure which could lead to disciplinary action being taken.

- 4.3 Further development of the HR and Payroll iTrent systems will be required to enable fuller recording, monitoring and reporting of employee conflicts of interest going forward.

## **5 INTEGRATED IMPACT ASSESSMENT (IIA)**

- 5.1 The subject of this report has been through the Council's Integrated Impact Assessment process, which has not highlighted any significant negative impacts.

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – no significant costs have been identified as a result of introduction of this policy. However, it is anticipated that this policy will provide a robust framework for financial and corporate governance via the identification, monitoring and managing potential employee conflicts of interest.
- 6.2 Human Resources – HR will implement the policy once formally approved and provide communications, briefings and training and as required. Systems and processes via iTrent will be developed to record and report annually on secondary employment, conflict of interests and gifts & hospitality declared by employees. This will be done within existing resources.
- 6.3 Other - n/a

## **7 BACKGROUND PAPERS**

- 7.1 **Appendix A** contains the Code of Conduct Policy.

|                      |                                   |
|----------------------|-----------------------------------|
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| <b>DATE</b>          | 25 February 2020                  |





# Code of Conduct

This policy applies to all Local Government Employees, Casual Workers, Teachers, Craft Workers and Chief Officials

\*Date Approved:

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

|   |  |
|---|--|
| <b>Policy Title</b>                               | <b>Code of Conduct</b>   |
| <b>Policy Section</b>                             | HR Policies  |
| <b>Prepared By /Policy Author</b>                 | Human Resources  |
| <b>Version Number</b>                             | V Draft 1.0  |
| <b>Equality Impact Assessment</b>                 |  |
| <b>Links to other Council Policies/ processes</b> | Disciplinary Policy and Disciplinary Code<br>Grievance Policy<br>Whistleblowing Policy |
| <b>Approved By</b>                                |  |
| <b>Date Approved</b>                              |  |
| <b>Review Date</b>                                | December 2019  |
| <b>Date of next Review</b>                        |  |
| <b>Policy Lead</b>                                | HR Business Partner, HR & Payroll  |



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# 1 INTRODUCTION

- 1.1 East Lothian Council expects all employees to maintain official and professional conduct of the highest standard such that public confidence in their integrity is sustained. The council and all employees are expected to promote and adhere to all professional codes of practice.
- 1.2 Council employees should comply with this policy in the performance of their duties to ensure that these principles are upheld and that the public can have confidence that actions and decisions by council employees have been taken on merit in the best interests of the council and of the public. Your conduct must not foster the suspicion of any conflict between your official role and your private interest.
- 1.3 Additionally, the council has adopted the 'Seven Principles of Public Life' identified by the Nolan Committee on Standards in Public Life. These are listed below in the Local Government context:

**Selflessness** - You should not take decisions which will result in any financial or other benefit to yourself, your family or your friends. Decisions should be based solely on the council's best interests.

**Integrity** - You should not place yourself under any financial or other obligation to an individual or an organisation which might influence you in your work with the council.

**Objectivity** - Any decisions which you make in the course of your work with the council, including making appointments, awarding contracts or recommending individuals for rewards or benefits must be based solely on merit.

**Accountability** - You are accountable to your council as your employer. Your council, in turn, is accountable to the public.

**Openness** - You should be as open as possible in all the decisions and actions that you take. You should give reasons for your decisions and should not restrict information unless this is clearly required by council policy or by the law.

**Honesty** - You have a duty to declare any private interests which might affect your work with the council.

**Leadership** - If you are a manager, you should promote and support these principles by your leadership and example. The Local Government Ombudsman will use the National Code as a benchmark of good practice where a complaint of maladministration has been made.

- 1.4 In the course of employment with the council, employees should not take decisions which will result in any financial or other benefit to themselves,

their family or friends, nor place themselves under any financial or other obligation to individuals or organisations which might influence their work with the council.

- 1.5 The Policy requires all new employees (regardless of grade or post) to declare any potential conflict of interest in line with this policy.
- 1.6 Employees are responsible for ensuring that any new conflicts of interest are declared as soon as it is reasonably practicable, following recognition of the conflict of interest arising.
- 1.7 Employees will be reminded annually of the responsibility to ensure declaration of interests' information is up to date.
- 1.8 Employees who fail to disclose conflicts of interest may be subject to proceedings under the council's Disciplinary procedure.

## **2 EAST LoTHIAN COUNCIL VISION, VALUES & BEHAVIOURS**

2.1 Our vision is for a prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy that enables our people and communities to flourish.

2.2 Our values, and the behaviours which support them are outlined in the 'The East Lothian Way', which can be found [here](#) and help us meet the objectives of the council.

### **2.3 East Lothian Way Values:**

- **Enabling** and encouraging everyone we work with to be able to achieve their full potential
- **Leading** by example and taking responsibility to improve ourselves and our services
- **Caring** for each other, our community and the work that we do

### **2.4 East Lothian Way Employee Behaviours:**

- **Work Together**; we collaborate with our partners, customers and colleagues to build strong and lasting relationships based on understanding, compassion, trust, integrity and mutual respect.
- **Be the Best We Can Be**; we take responsibility and use our initiative to deliver the highest quality of services as efficiently and effectively as possible.
- **Initiate & Embrace Change**; we embrace the need for change and initiate new ways of working to improve ourselves and our services.
- **Make Things Happen**; we plan and deliver our work effectively, making sure we understand needs and priorities.

- **Customer Focused;** customers are everyone we provide a service to or support. We put our customers at the heart of everything we do and take responsibility to uphold our Customer Charter.

### **3 SCOPE OF POLICY**

- 3.1 This policy applies to all Local Government Employees, Casual Workers (undertaking work) Craft Workers, Teaching & school-based employees and Chief Officials. However, Chief Officials have additional obligations in line with the Chief Officials – Registration of Interest Policy which can be found [here](#) .
- 3.2 All employees are required to declare conflicts of interests in a timely manner, all of which will be dealt with sensitively, and to notify their manager or HR of any actual or suspected breaches.
- 3.3. Any wilful breach of conduct or undeclared conflict of interest by an employee could result in action being taken under the council's Disciplinary Procedure.

### **4 POLITICAL AND PROFESSIONAL ACTIVITIES**

- 4.1 Employees who are not in a politically restricted post will have the right to engage in political or professional activities but must ensure that these do not result in an actual or what could be reasonably perceived as a conflict of interest with their official duties with the council.

### **5 SECONDARY EMPLOYMENT AND VOLUNTEERING**

- 5.1 Employees must not undertake any form of additional paid employment, in any capacity, which is potentially in conflict with their official duties, or is of such a nature, timing or duration, that it is liable to have an adverse effect on the performance of their council duties or bring the council into disrepute.
- 5.2 Prior to undertaking additional paid employment in any capacity, or when considering doing so, the employee must discuss proposals with their line manager in the first instance to ensure there are no potential conflicts as outlined in 5.1 or in line with the Working Time Regulations (1998) and Health and Safety legislation then record this on the Secondary Employment Notification Form in Appendix 1.
- 5.3 Employees who have not already done so, must confirm any secondary paid employment to their line manager and record this on the Secondary Employment Notification Form in Appendix 1.
- 5.4 The council recognises that our employees may wish to undertake volunteering activities within or outwith employment with the council. In these circumstances, employees should confirm their volunteering activities with their line manager to ensure there are no conflicts of interests relating to the nature of their official council duties, impact on their performance at work or on the council's reputation.

## **6 RELATIONSHIPS**

### **6.1 Personal Relationships at Work**

- 6.1.1 Any employee who is involved in a close personal relationship with a colleague, contractor, client, customer or supplier must not allow that relationship to influence their conduct while at work.
- 6.1.2 If the relationship is between a manager and an employee whom they supervise, the relationship should be declared to a senior manager using the Conflict of Interest Declaration form in Appendix 2, which will be held confidentially on HR personal files of both employees.

### **6.2 The Public and Service Users**

- 6.2.1 Employees may have contact with members of the public as users of services, clients or citizens. Employees should always be courteous and helpful. Employees should deal fairly, equitably and consistently with each member of the public, and must follow the council's Equal Employment Opportunities Policy.

### **6.3 Children & Young People**

- 6.3.1 Employees of the council who undertake work with children and young people e.g. teachers, Instructors, Support Assistants in schools, Social Workers, Youth Workers etc. must avoid inappropriate contact or relationships, maintaining appropriate professional boundaries at all times.
- 6.3.2 Where there is a legitimate need to hold contact details for children and young people, these details should be stored and used appropriately and solely for legitimate professional purposes.
- 6.3.3 Where a private tutoring arrangement exists, this must be declared in line with the secondary employment provisions using the form in Appendix 1.
- 6.3.4 It is inappropriate to hold children and young people's mobile phone numbers and/or e-mail addresses on work devices where there is no professional or business need, and no inappropriate direct contact outwith work, school or group time should be made.
- 6.3.5 In line with the council's Acceptable Use of the Councils Information & I.T. Infrastructure Policy, information as outlined in 6.3.4, should never be stored on personal devices including mobile phones, laptops, PCs etc.

### **6.4 Elected Members**

- 6.4.1 Both Councillors and employees are local government appointees and therefore a professional relationship exists between the two roles, albeit with separate responsibilities. Employees are responsible to the council as their employer and they provide support and advice to the elected members and carry out the council's work under the direction and control of the council, their Committees and Sub-committees. Elected members' are responsible to the electorate and their role is to determine policy and

to participate in decisions on matters placed before them, but not to engage in direct operational management of Council Services.

- 6.4.2 Mutual respect between Councillors and employees in their respective roles is essential. Where close personal familiarity or relationships exist between individual Councillors and employees, both should ensure that the governance of the council is not in any way compromised by this relationship.

## **6.5 Contractors and Suppliers**

- 6.5.1 Employees must be fair and impartial in any dealings with contractors, sub-contractors and suppliers. If an employee is involved in any procurement process they must follow the council's procedures and rules about tenders and contracts. If an employee is involved in a procurement process which involves a relative, friend or previous employer or has a financial interest in any contract to be entered into by the council that they may influence, they must notify their Head of Service in writing in order to safeguard themselves from allegations.
- 6.5.2 If an employee has access to confidential information on tenders or costs for either internal or external contractors they must not disclose that information to any unauthorised individual or organisation.

## **7 OPENNESS AND DISCLOSURE OF INFORMATION**

- 7.1 The council's decision making process must be transparent and open. The council must provide the public with clear and accessible information about how it operates. It must also ensure that there is an effective complaints procedure in place for the public to use when things go wrong.
- 7.2 There are however, exceptions to the principle of openness where confidentiality is involved, and information may be withheld if, for example, it would compromise a right of personal or commercial confidentiality. This does not apply where there is a legal duty to provide information. You must follow the council's policy on making information available to the public and you must not break the law in this area.

## **8 CONFLICTS OF INTEREST**

- 8.1 Council employees must not allow any private interest to influence their decisions at work and employees must not use their position to further their own interests or the interests of others who do not have a right to benefit under the council's policies.
- 8.2 An employee may have a private interest which relates to the work of the council. That interest may be a financial one or one which a member of the public might reasonably think could influence the employee's judgment. In addition, close family members or people living in the employee's household may have financial interests in the work of the council. All such interests must be declared to the employee's line manager.

- 8.3 If an employee is a member of an organisation or a club, with the exclusion of political activities (see section 4), and membership might result in a conflict of interest in relation to any aspect of his/her work with the council, the employee must declare this membership to their Line Manager. This applies equally to membership of organisations or clubs which are not open to the public.

## **9 PREVENTION OF FRAUD AND CORRUPTION**

- 9.1 It is important that employees are aware that it is a serious criminal offence for them to corruptly receive or give any gift, loan, fee, reward or advantage for doing or not doing anything, or for showing favour or disfavour to any person, in the course of work with the council.
- 9.2 The council is committed to the prevention and detection of fraud and the protection of public funds. This includes carrying out data matching exercises both within the council and with partner agencies.
- 9.3 Employees who have responsibility for council monies or materials must strictly adhere to the council's Financial Regulations, Corporate Procurement Procedures and Codes of Financial Practice.
- 9.4 It is essential that employees observe the council's rules for claiming allowances for performing approved duties and claim only for the repayment of those expenses incurred for travel and subsistence in connection with business on the council's behalf.
- 9.5 In addition, employees who claim statutory allowances, benefits, reductions, discounts, reliefs, grants or other payments are to ensure it is only for those to which they are entitled. It should be noted that it is the council's policy that where a fraudulent claim is proven, e.g. where it is found that an employee has provided false or misleading information to obtain public services, allowances, benefits, reductions, discounts, reliefs, grants, or other payments for themselves or others, that services provided, monies paid, monies outstanding or materials missing will be recovered by the council. Disciplinary investigation and action may also be taken in line with the council's Disciplinary procedure. The council may also refer the fraud to the Council's Internal Audit Team, the police or other agencies as appropriate.

## **10 GIFTS AND HOSPITALITY**

- 10.1 As a general rule it is usually appropriate to refuse offers of gifts other than where the gift is inexpensive or of a trivial nature for example calendars, mugs, etc. It is recognised that refusal may cause misunderstanding or offence, however acceptance could involve criminal liability or otherwise give rise to questions of impropriety, obligation or conflict of interest.
- 10.2 Notwithstanding the detail of this policy, if your role within the council involves making procurement decisions, awarding contracts or making regulatory decisions, you should be particularly aware of the perception of

bias or favour and should err on the side of caution when deciding whether or not to accept any gift or hospitality.

- 10.3 Accordingly, when offered a gift or hospitality employees must consider whether accepting it could give rise to real or substantive personal gain or a reasonable suspicion of influence on their part to show favour or disadvantage to any individual or organisation. Employees should also consider whether there may be any reasonable perception that any gift received by a member of their family can or would influence the employee's judgement. The term 'gift' includes benefits such as provision of services at a cost below that generally charged to members of the public.
- 10.4 You are personally responsible for all decisions connected with the acceptance of gifts or hospitality and if you are in any doubt about whether or not to accept a gift or an item of hospitality you must consult the Head of Council Resources.
- 10.5 As a guide, gifts that have a value of more than £20 should generally be refused. All gifts that have been accepted and that have an estimated or actual value of more than £20 should be recorded in accordance with Section 11 of this policy.
- 10.6 When council employees are aware that a client/service user intends to leave them a legacy in a will, they should decline such a legacy by reference to this policy. Should a council employee become aware of a legacy after the death of a client/service user, they should seek advice from their Head of Service before accepting this. The Head of Service should take account of the value of the legacy relative the value of the whole estate and the context in which the legacy was left when advising the employee whether or not to accept the legacy.
- 10.7 Taking account of the Nolan Principles (see 1.3) and the law, as a general rule, hospitality should normally be refused other than in the following situations: -
  - 10.7.1 Incidental hospitality associated with another event, e.g. refreshments at an event, conference or seminar.
  - 10.7.2 Normal hospitality associated with your role in the council and which would reasonably be regarded appropriate, e.g. attending an event where your role makes your attendance appropriate. You should exercise particular caution when the hospitality is being offered by a private sector organisation.
  - 10.7.3 Civic hospitality where you are representing the council and there is a legitimate interest in attending the event in question.
- 10.8 Should an employee wish to accept hospitality that does not fall into one of the above categories, he or she must seek prior approval from their Head of Service before accepting and this should be recorded in accordance with Section 11 of this policy.



- 10.9 In deciding whether it is appropriate for the employee to accept such hospitality, the Head of Service will have regard to the whole circumstances of the offer, including, but not limited to, the role the employee plays in the council, the particular status of the party offering the hospitality, the perception of influence, conflict of interest or bias that might arise from acceptance of the hospitality and the context in which the offer is being made.
- 10.10 It is an offence under the Prevention of Corruption Act 1906 for a council employee in their official capacity to corruptly accept any gift or consideration as an inducement or reward for doing or refraining from doing anything or showing disfavour or favour to any person.
- 10.11 In terms of the Bribery Act 2010, an offence will be committed if any person offers a council employee a financial or other advantage where the gift is offered with the intention of persuading the employee to perform his or her function in an improper or impartial manner or in bad faith.

## **11 RECORDING GIFTS AND HOSPITALITY**

- 11.1 Employees must record any: -
- gifts received that are valued at more than £20;
  - civic gifts received on behalf of the council; and
  - hospitality that they accept that does not fall into one of the three categories identified in point 10.7 above.
- 11.2 The gift or hospitality in question must be recorded on the form attached to this policy, countersigned by the employee's Head of Service and submitted to the Service Manager People & Governance.
- 11.3 The council will retain a Register of Gifts and Hospitality and will update this regularly with the information submitted by officers in accordance with this Section. The contents of this Register will be regularly reported through the Members Library Service.

## **12 COMPETITIONS AND PRIZES**

- 12.1 Council employees are encouraged not to enter competitions and prize draws made available to them during the course of their work as an employee of the council, particularly where these require entrants to provide information specific to the council as an employer.
- 12.2 Employees who have entered competitions and prize draws made available during the course of their work, and not requiring the provision of information specific to the council, must declare any prize won that is worth more than £20. Such competitions must not be entered into where the prize is or includes free or time limited access to costly premium subscriptions e.g. web based applications and resources or where the terms and conditions of the subscription could put other employees or the council at risk of breach of this policy.

## **13 USE OF COUNCIL RESOURCES**

- 13.1 You should only use facilities, services and equipment, provided by the council for the purpose of your duties as an employee. The unauthorised use of council facilities or equipment for your own personal benefit, or for the personal benefit of others, is not permissible and would amount to improper conduct.
- 13.2 An example of permitted use, requiring written permission, would be the use of resources for personal development or study associated with the employee's role in the council, which should be recorded out and returned in accordance with service-specific inventory procedures. Council resources must not be used in connection with any other outside work undertaken by the employee.
- 13.3 Whilst the council permits some personal use of IT equipment at their workplace e.g. access to internet this should not affect their work and should only be used in accordance with the council's Acceptable Use of the Councils Information & I.T. Infrastructure Policy when the employee is on an unpaid break. Employees should be aware that telephone, email and internet usage can be monitored.

## **14 EMPLOYEE APPOINTMENTS**

- 14.1 The council has a Recruitment and Selection Policy and employees are expected to follow this policy.
- 14.2 If an employee is involved in the recruitment and selection process and has any kind of relationship which might affect his/her ability to be impartial, or could be perceived by others as bias, that relationship must be declared to the appropriate line manager and must not be part of the recruitment & selection decision making process. The same procedure must be followed in other council Policies and Procedures such as grievance, disciplinary or job evaluation.
- 14.3 Employees must not canvass a Councillor or another colleague, either directly or indirectly, to secure their own appointment or promotion, or the appointment or promotion of another person. If an employee has been approached by an applicant, another colleague, a Councillor or any other person, they must report the matter to their line manager or HR Adviser.

## **15 CONTACT WITH THE MEDIA**

- 15.1 The policy of the council is that all contact with the media should only take place where this has been authorised by the council. The Communications Team deals with all contact with press and media and any approaches or enquiries should be directed there in the first instance.
- 15.2 Any exception to this policy must be discussed and agreed with the appropriate Head of Service.
- 15.3 This section does not apply to where an accredited Trade Union officer is contacted by or makes contact with the media in their Trade Union

capacity, or as part of a formal Trade Union Campaign, and not as a council employee.

## **16 SOCIAL MEDIA**

- 16.1 The council's Social Media Acceptable Use policy, which can be found [here](#) outlines employee's responsibilities in relation to use of social networking sites and other internet forums at work and outside of work.
- 16.2 Usage is restricted during working hours for most council employees, but there is no restriction on what employees can do in their own time on their own equipment.
- 16.3 The council has a duty of care towards its employees and service users and would therefore treat any comments or messages posted on social media which cause offence, breach confidentiality or could be considered as bullying or harassment of a colleague, under the council's Disciplinary procedures. This includes any messages and comments posted in an employee's own time that relate to fellow colleagues, service users or the workplace.
- 16.4 Posting of defamatory or potentially damaging comments about the council would be a breach of contract and would be investigated under the council's disciplinary procedures. The council may also consider legal proceedings against an employee where deemed appropriate.
- 16.5 Some websites allow the posting of images and videos. Care should be taken to ensure that there is nothing posted that could bring the council into disrepute or would be potentially dangerous. Examples could include wearing council uniforms in photos or videos showing behaviour which would be considered dangerous, violent, inappropriate or illegal. The council will investigate any such behaviour under the council's Disciplinary procedures as required.
- 16.6 Employees with caring responsibilities including teachers, other school based staff, Instructors, Social Workers and Youth Workers should consider the appropriateness of adding clients, children and young people as friends on social networking sites. This is potentially a breach of confidence and trust as well as unprofessional. Any inappropriate relationships within social networking sites that are brought to the council's attention will be fully investigated. Teachers should follow the General Teaching Council for Scotland Guidance contained in the Code of Professionalism and Conduct relating to the use of Social Networking Sites. Employees registered with Scottish Social Services Council (SSSC) e.g. Social Workers should refer to SSSC guidance in relation to social media and networking sites.

## **17 POLITICAL NEUTRALITY**

- 17.1 The public expects East Lothian Council employees to carry out their duties in a politically neutral way, and this must be respected by Councillors. The political activities of a small number of employees are

“politically restricted” under the Local Government and Housing Act 1989 and they will have been advised of this restriction.

- 17.2 Employees must serve the council and all Councillors, regardless of their political outlook. The Chief Executive and senior officers have ultimate responsibility to ensure that the policies of the council are implemented.
- 17.3 Employees must implement the policies of the council irrespective of their personal views. If an employee is asked by a Councillor to provide assistance with a matter which is clearly party political or which does not have a clear link with the work of the council, the employee should politely refuse and inform the councillor that they are referring the matter to their line manager.
- 17.4 Some employees will have a close working relationship with Councillors of the majority political group (or groups) which form the administration of the council. Political groups may sometimes seek advice from council employees and in such circumstances the following procedure should be followed: -
  - a) The office bearers (of the group) must first approach the Chief Executive;
  - b) The office bearers must advise the Chief Executive what type of advice they are seeking;
  - c) The Chief Executive will decide whether attendance at a meeting is appropriate and which employee or employees should attend;
  - d) Once the employee has given the advice to the group, the employee must leave the meeting before any decision is made.
- 17.5 Strict confidentiality must be observed by the employee. The discussion in one political group should not be disclosed to another political group or to any member of such a group.

## **18 RIGHTS AS A CITIZEN**

- 18.1 As a citizen, an employee is entitled to express their views about the council, provided they do not make use of any private information gained through their work with the council.
- 18.2 An employee should not however, in their work capacity, criticise the council either through the Internet, media, including social media or at a public meeting, or in any written communication with members of the public. Occurrences of this nature may be considered under the Disciplinary Procedure. You should refer to the Social Media Policy for further information in this respect.
- 18.3 Employees in a politically restricted post should be careful not to speak in public in support of a particular political party.
- 18.4 As a citizen, an employee is also entitled to raise with their Councillor any complaint which they have about the services of the council. However, if

the employee's complaint concerns any aspect of their employment with the council, the employee must make use of the council's policies and procedures, for example the Grievance Procedure or raise the matter through their Trade Union.

## **19 PERSONAL DEALINGS WITH THE COUNCIL**

- 19.1 Employees may have dealings with the council on a personal level, for instance as a ratepayer or Council Tax payer, as a tenant, or as an applicant for a grant or planning permission. Employees should never seek or accept preferential treatment in those dealings because of their position as an employee.
- 19.2 Employees should also avoid placing themselves in a position that could lead the public to think that they or friends or family are receiving preferential treatment.

## **20 REPORTING CRIMINAL CONVICTIONS, CHARGES AND/OR POLICE INVOLVEMENT**

- 20.1 Where an employee is charged by the police or is subject to a report to the Procurator Fiscal and/or a registered agency which is connected to their employment or is convicted in a Court of Law on any matter that occurs during or outside of their work and which has a bearing on their employment with the council, they must report this immediately to their Head of Service or line manager.
- 20.2 A charge or conviction for any offence may result in disciplinary proceedings being taken against the employee. For example, where, in the opinion of the council, the charge or conviction is such that it affects, or is likely to affect, the suitability of the employee for the position in which they are employed, or brings the council into disrepute, or could otherwise seriously undermine the trust and confidence that the council has in the employee.
- 20.3 Where an employee is charged or convicted specifically in connection with offences outside working hours relating to illegal drugs, dishonesty, and violence or of a sexual nature, such criminal charges or convictions may result in disciplinary proceedings being taken against the employee, up to and including summary dismissal. In making any decision, the council will reasonably consider the circumstances of each case as well as any employment implications that the employee's actions may have for the council.

## **21 TRADE UNION ACTIVITIES**

- 21.1 Employees who are Trade Union representatives must ensure that any public comment is made on behalf of the Trade Union represented and not the council.

## **22 FAIR AND REASONABLE TREATMENT AT WORK**

- 22.1 Employees are entitled to expect fair and reasonable treatment from their colleagues, managers and from Councillors. If an employee feels that they have been unfairly treated or have been discriminated against, they are entitled to make use of the appropriate council policies and procedures, including Grievance and Whistleblowing.
- 22.2 There may be rare occasions when an employee feels that they have been required by a colleague, a Councillor or a member of the public, or by an organisation, to act in a way which might be illegal, improper or unethical, or which is otherwise in conflict with the principles of this Code of Conduct. The concerns should be raised with their line manager in the first instance.
- 22.3 In other instances an employee may have information leading them to believe that an employee, Councillor or other person associated with the council is behaving unlawfully or in some other improper manner. The Public Interest Disclosure Act 1998 provides a process for employees to raise these concerns, for example in relation to:
- a criminal offence;
  - failure to comply with any legal obligation;
  - a miscarriage of justice;
  - danger to the health and safety of any individual;
  - damage to the environment; and
  - deliberate concealment of information about any of the above matters.
- 22.4 Employees may report the matter to their line manager, a more senior manager or their Head of Service. If an employee feels they cannot raise the matter within their Directorate, it may be raised via the council's dedicated Whistleblowing hotline on 01620 827878 or e-mail [whistleblowing@eastlothian.gov.uk](mailto:whistleblowing@eastlothian.gov.uk) .
- 22.5 Concerns raised by employees via the whistleblowing process will be dealt with in line with the council's Whistleblowing policy.
- 22.6 Once the matter is reported via the line manager or Head of Service, and following consultations, as appropriate, with the Chief Executive or other senior officers of the council, the employee will be advised, if appropriate, what action will be taken, providing this does not infringe upon the council's duty of confidence.
- 22.7 The council recognises that employees may wish to raise their concerns confidentially. The employee's initial contact will always be dealt with in the strictest confidence and discussed only with other relevant persons for the purposes of seeking advice.

- 22.8 Employees must understand, however that, the information or concerns they express may lead to them becoming involved in a number of processes, including evidence relating to a criminal investigation and/or the council's Disciplinary Procedure. In these circumstances, it may not be possible to guarantee anonymity to employees. The employee will, however be given as much support as possible throughout such processes.
- 22.9 Any employee considering making a disclosure outwith the council, e.g. to the press should be aware that they may not automatically be protected by the Public Interest Disclosure Act. Before doing so they should seek advice from their Trades Union or a legal adviser.

### **23 REVIEW**

- 23.1 This policy will be kept under review and may be amended from time to time. Appropriate measures will be taken to bring any amendments to the attention employees.

Head of Council Resources  
Updated February 2020

**APPENDIX 1**



**SECONDARY EMPLOYMENT NOTIFICATION FORM**

To be completed by all employees undertaking secondary employment either within or outwith East Lothian Council (including self-employment, casual work, and unpaid work)

**Name:**

**Employee No:**

**Post Title:**

**Division:**

**Secondary Employment - Date of Commencement:**

**Secondary Employment – Name of Employer:**

**Description of Work Undertaken (Including specific nature of work, where it takes place, times/days worked, and number of hours worked:**

**Supporting Statement (Is there any conflict of interest in relation to the work you already undertake for East Lothian Council?)**



**Declaration**

**I declare that** my secondary employment (if not with ELC) does not involve any use of Council resources.

**I declare that** my secondary employment will not result in me exceeding 48 hours of work within any 7 day period\*, under the terms of the Working Time Regulations (1998).

I recognise that I am entitled to an uninterrupted rest break (a period of no work) of not less than 11 consecutive hours in each 24-hour period, and of either two uninterrupted rest breaks of not less than 24 hours or one uninterrupted rest break of not less than 48 hours in each 14-day period, under the terms of the Working Time Regulations (1998). **I declare that** if my secondary employment does not allow me to achieve these periods of rest, it is of my own choosing and at my own risk.

**I declare that** the undertaking of this secondary employment will have no detrimental impact on my ability to undertake the work I am contracted to do by East Lothian Council.

**I am aware that** paid work outside the Council may put me in a position where I have a tax liability and that the Council will only account for the tax on my earnings in the employment of East Lothian Council.

**I am aware that** I may be subject to investigation under the appropriate Disciplinary Procedure, and may be subject to disciplinary action, should I work for financial gain whilst receiving sick pay from East Lothian Council.

**Signed:** ..... **(Employee)**

**Print Name:** .....

**Date:** .....

*\* Average hours per week calculated over a 17 week period.*

**TO BE COMPLETED BY MANAGER:**

**Summary of discussion with employee:**

**Is there any conflict of interest in relation to the work already undertaken for East Lothian Council?**

**Reasons for rejection (if applicable):**

(PLEASE DELETE AS APPROPRIATE)

I reject this application for secondary employment (outline reasons above)

OR

I approve this application for secondary employment and do not foresee any conflict of interest.

**Signed:** ..... **(Manager)**

**Print Name:** .....

**Date:** .....

Please submit a scanned copy of this completed form to the HR Mailbox, [hr@eastlothian.gov.uk](mailto:hr@eastlothian.gov.uk), and retain the original for your records

## APPENDIX 2

### CONFLICT OF INTEREST DECLARATION FORM (All Employees including Casual Workers)

As an employee of East Lothian Council you are required to complete this form to confirm whether you may have a private interest which may relate to your work with the council and could result in a conflict or apparent conflict of interest. For further information, please refer to the Code of Conduct Policy.

| <b>1. PERSONAL DETAILS</b>  |  |
|---|--|
| <b>Employee Name:</b>   |  |
| <b>Department:</b>  |  |
| <b>Business Unit &amp; Work Location:</b>   |  |
| <b>Job Title:</b>   |  |
| <b>Head of Service:</b>   |  |
| <b>2. TYPE OF INTEREST (Please tick as appropriate)</b>   |  |
| In the course of employment with the council, employees should not take decisions which will result in any financial or other benefit to themselves, their family or friends, nor place themselves under any financial or other obligation to individuals or organisation which might influence your work with the council. |  |
| Financial (you)   |  |
| Financial (Close family member/friend)  |  |
| Secondary Employment and Voluntary Work   |  |
| Relationships (Personal or Family & Friends)  |  |
| Membership of Organisation/Club   |  |
| Payments/grants given to bodies or individual e.g. grants   |  |
| Other (please outline)  |  |
| <b>3. EXPLANATION OF POTENTIAL CONFLICT</b>   |  |
| Please provide as much detail as possible and explain why you consider this is or could be interpreted as a conflict of interest (continue on separate page, if necessary)  |  |

|  |                    |
|--|--------------------|
| <b>Annual Declaration</b>  |                    |
| <b>One-off/ad-hoc Declaration</b>  |                    |
| <b>4. EMPLOYEE SIGNED DECLARATION</b>  |                    |
| <p>I declare that I have read and understood the Code of Conduct policy, and all documents referred to therein and the above conditions and agree to comply with them.</p> <p>I understand that failure to make a declaration or not to provide full disclosure could be regarded as a disciplinary offence and dealt with under the council's disciplinary process.</p> |                    |
| <b>Signed:</b>   | <b>Print Name:</b> |
| <b>Designation:</b>  | <b>Date:</b>       |
| <b>5. FOR COMPLETION BY HEAD OF SERVICE</b>  |                    |
| Please outline the action you have taken in light of the information being provided.   |                    |
| <p style="text-align: center; font-size: 48px; opacity: 0.3; transform: rotate(-30deg);">DRAFT</p>   |                    |
| I confirm that the above information is accurate and contains all relevant details. I also confirm I have discussed with the employee concerned of further action he/she must undertake (where appropriate)  |                    |
| <b>Signed:</b>   | <b>Print Name:</b> |
| <b>Designation:</b>  | <b>Date:</b>       |

Please submit a scanned copy of this completed form to the HR Mailbox, [hr@eastlothian.gov.uk](mailto:hr@eastlothian.gov.uk) , and retain the original for your records

**APPENDIX 3**

**FORM FOR RECORDING GIFTS AND HOSPITALITY  
(All Local Government Employees)**

|  |         |
|--|---------|
| <b>Employee Name:</b>  |         |
| <b>Department:</b>   |         |
| <b>Business Unit:</b>  |         |
| <b>Job Title:</b>  |         |
| <b>Head of Service:</b>  |         |
| <b>DECLARATION OF GIFT</b>   |         |
| <b>Are you declaring a gift with a value of more than £20?</b>   | YES/NO* |
| <b>Details of Gift</b> (including description of gift, identity of party offering gift, circumstances of offer, relationship with giver of gift.                           |         |
| <b>Estimated Value of Gift</b>   |         |
| <b>DECLARATION OF HOSPITALITY</b>  |         |
| <b>Are you declaring hospitality that does not fall into the categories set out in the Policy?</b>   | YES/NO* |
| <b>Details of Hospitality</b> (including description of event/hospitality offered, identity of party offering hospitality, circumstances of offer, relationship with host. |         |

|   |                    |
|---|--------------------|
| <b>Signed:</b>  | <b>Print Name:</b> |
| <b>Designation:</b>   | <b>Date:</b>       |
| <b>FOR COMPLETION BY HEAD OF SERVICE</b>                              |                    |
| Reason for approving acceptance of gift/hospitality as set out above. |                    |
| <b>Signed:</b>  | <b>Print Name:</b> |
| <b>Designation:</b>   | <b>Date:</b>       |

Please submit a scanned copy of this completed form to the HR Mailbox, [hr@eastlothian.gov.uk](mailto:hr@eastlothian.gov.uk), and retain the original for your records