

THE MORAY COUNCIL

MINUTE OF MEETING OF THE EDUCATION & SOCIAL SERVICES COMMITTEE

WEDNESDAY 28 NOVEMBER 2007

COUNCIL OFFICE, ELGIN

PRESENT

Councillors J Hamilton (Joint Chair: Remit 1), L Bell (Joint Chair: Remit 2), A Bisset, G Coull, S Cree, J Divers, J Hogg, B Jarvis, G Leadbitter, M McConachie, G McIntyre, A McDonald, G McDonald, A McKay, F Murdoch, I Ogilvie, P Paul, D Ross, J Russell, M Shand, D Stewart, A Wright, I Young, Mrs A MacLennan (Religious Representative), Mrs S Slater (Secondary Teacher Representative), and Miss L Young (Pupil Representative).

IN ATTENDANCE

The Director of Educational Services, the Head of Educational Resource Services, the Head of Educational Support Services, the Head of Educational Development Services, the Educational Resource Manager, the Libraries & Museums Manager, The PPP Adviser Architecture and Design & Acting PPP Manager, J Gibson, D MacDonald, S Duffus, V Cross, A Dunsire, Quality Improvement Officers, the Director of Community Services, the Head of Community Care, the Head of Children & Families, Deborah Brands the Principal Accountant, the PPR & Communications Officer, the Principal Solicitor (Litigation & Licensing), the Chief Executive and the Chief Financial Officer (in respect of item 8a), and Mrs S Kennedy, Committee Services Officer who acted as Clerk to the Meeting.

APOLOGIES

Apologies for absence were intimated on behalf of Councillors J MacKay, E McGillivray, R Shepherd, Rev C Stewart and Rev G Swanson, (Religious Representatives), and Ms Frances Wardhaugh (Primary Teaching Representative).

1. CHAIR & WELCOME

The Chair in respect of the Children and Young People's section of business on the Agenda was taken by Councillor J Hamilton, Joint Chair (Remit 1: Children & Young People).

The Chair on behalf of the Committee extended a welcome to the Elgin South Forum who were in attendance at the meeting.

2. ORDER OF BUSINESS

In terms of Standing Order 25, the Meeting agreed to vary the order of business set down on the Agenda and take Item 33 'Home Care Service Inspection' as Item 5 on the Agenda of Remit1: Children and Young People).

3. ADDITIONAL BUSINESS

In terms of Standing Order 25 (iv) the Committee agreed to accept, as an additional item of business, to be transacted at the meeting a report by the Chief Financial Officer in regard to Moray Schools PPP Project, which required to be considered on the grounds of urgency given the Scottish Government's budget, recently presented to the Scottish Parliament, that includes a number of significant changes that impact on the assumptions made in the Council's financial plan overview for the next three years. These changes result in an opportunity to consider making use of the funding allocation for a PPP Schools Project at this time.

3. DECLARATION OF GROUP DECISIONS

In terms of Standing Order 20 and the Councillors' Code of Conduct the meeting noted that:

Councillor J Divers, declared a personal interest in Items 24 & 42, Item 24 as an employee of NCH and in relation to Item 42 agreed to take no part in the relative discussion or decision.

Councillors G Coull and D Stewart declared a non-financial interest in Item 32.

Councillor G McDonald declared a non-financial interest in Item 39.

Councillors G Leadbitter and A Bisset declared a non-financial interest in Item 42 and agreed to take no part in the relevant discussion or decision.

Councillor Paul, as SNP Group Leader, declared that the SNP Group had reached a Group decision on Item 8(a).

There were no other declarations from group leaders or spokespersons in regard to any prior decisions taken on how members will vote on any item on the Agenda nor any declarations of Members Interest in respect of any Item on the Agenda.

4. EXEMPT INFORMATION

The Meeting agreed, in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, that the public and media representatives be excluded from the Meeting during consideration of the items of business appearing at the relevant paragraphs of this Minute as specified below so as to avoid disclosure of exempt information of the class described in the appropriate paragraph of Part I of Schedule 7A of the Act.

Para No. of Minute

Para No. of Schedule 7A

25 & 48

5

6. WRITTEN QUESTIONS

There were no written questions for Remit 1: Children & Young People.

7. HOME CARE SERVICE INSPECTION

There was submitted a report by the Director of Community Services advising the Committee of the successful outcome of the Home Care Inspection and requesting that they note the information.

The Committee joined the Chair in welcoming Susan Anderson, the Domiciliary Care Manager to the meeting and congratulated her and the Home Care Staff on the outcome of their recent inspection by the Care Commission. Service users and staff had been interviewed and the Care Commission's report confirmed that they provide a first class job and that their support is greatly appreciated and that this service plays a crucial role in making care in the community work.

The Chair thanked Susan for her first class Leadership to 30 Home Carers and on behalf of the Committee wished her a long and happy retirement.

Councillor Lee Bell and Sandy Riddell, the Director of Community Services presented Susan with a small gift and flowers by way of a thank you for her considerable contribution to Community Care Services.

Thereafter the Committee noted the contents of the Inspection Report.

8. POINT OF ORDER

In response to a query from Councillor G McDonald about the items marked with an asterisk the Principal Solicitor (Litigation & Licensing) advised that this was an oversight and that Items 4-20 should all been marked with an asterisk.

9. EDUCATIONAL DEVELOPMENT SERVICES

There was submitted a report by the Director of Educational Services following a request at the Educational & Social Services Committee in August (paragraph 26 of the minute refers) for more information relating to the role of Educational Development Services and specifically the role of Quality Improvement Officers, (QIO's).

The Chair advised the meeting that the value and role of the Quality Improvement Officers had been fully explained to Members' prior to the meeting by the Head of Educational Development Services by way of a briefing session.

In response to a question from Councillor G McDonald about performance indicators for measuring QIO's performance and his request for a structure for QIO's, the Head of Educational Development Services advised that feedback in regard to QIO's had been sought from different sources, one being from HMle in terms of the concordance between pre inspection reports and the actual final HMle inspection report and that Educational Services aim to achieve a target of 85% and were on target this year to achieve it. Feedback is also regularly sought from schools on the quality of the work of the performance of QIO's in their interactions with the schools and from May 2007 feedback received had been rated good or better than good and that Educational Services regularly try and engage the impact and the work of the QIO's both in the schools and also through the work of HMle. He also advised that he was in regular discussions with QIO's as part of his monitoring of their ongoing activities. The Head of Educational Development Services agreed to provide information on the structure of the QIO's to Councillor G McDonald.

In response to a question from Councillor Leadbitter about sample audits, the Head of Educational Development Services advised the meeting that they had already been through different phases of audit and were now aiming for mid point audits between inspections. Nearly all schools liable to inspection had been audited.

In response to a question by Councillor Shand in regard to developing links with Moray and Buchan College, the Head of Educational Development Services advised that in the last three years there had been a lot of young people in colleges undertaking full courses and getting a qualification and they were continually improving progression and were now working towards certification being available at Intermediate 2 level. In regard to availability some young people were missing school due to travelling and there were now four venues providing a college link, one in Forres, Elgin, Buckie and Keith. He advised that there was scope to improve and they were looking at two further areas, one being Community Learning and Development and Libraries and Museums who are looking at niche facilities for vulnerable people and this work was ongoing. A pilot was being undertaken in Lossiemouth in engineering which was a good model as it involved joint delivery by school and college and this would be further explored.

During discussion Councillor Coull advised the Meeting that that they had received a very full presentation and requested that in future that a small presentation also be given to Members at the meeting for the benefit of the public.

Thereafter the Committee noted the report in regard to information relating to the role of Educational Development Services and specifically Quality Improvement Officers. It was also agreed that in future a short presentation would be given at Committee for the benefit of the public.

10. LIBRARIES SERVICE: POLICY OBJECTIVES

There was submitted a report by the Director of Educational Services inviting the Committee to approve the Policy Objectives for the Libraries Service.

Following consideration the Committee approved the Policy Objectives for the Libraries Service as detailed in Appendix 1 of the report.

11. INTEGRATED PUBLIC AND SCHOOL LIBRARY PROVISION

There was submitted a report by the Director of Educational Services asking the Committee to approve the proposed programme for the integration of public and school library provision.

The Chair advised the meeting that in regard to Paragraph 2.1 of the report he had been advised by the Architects that there would be some delays in the timing of some of the projects slipping to 2010 which he found to be very disappointing.

During discussion Members raised concerns about not being kept informed about changes in their respective wards and also sought assurance that any alterations to the exteriors of the buildings are carried out in the same materials.

The Libraries and Museums Manager advised that he would consult with Members on any alterations but he would be guided by the Planning Department on this issue.

During discussion Members also raised concerns about the delay in the proposed programme of works for the integration of public and school libraries and in light of the Local Members not being made aware of what was happening in their relative wards, Councillor G McDonald, seconded by Councillor D Ross moved that Findochty and Fochabers be deferred.

As an Amendment, Councillor A McKay, seconded by Councillor F Murdoch moved that all works go ahead except Fochabers.

On a division there voted:-

For the Motion: (19) Councillor G McDonald, D Ross, A Bisset, G Coull, J Divers, J Hamilton, G Leadbitter, M McConachie, A McDonald, G McIntyre, I Ogilvie, P Paul, J Russell, M Shand, D Stewart, A Wright, I Young, Mrs A MacLennan, (Church Representative) and Mrs S Slater, (Secondary Teaching Representative).

For the Amendment: (6) Councillor A McKay, F Murdoch, L Bell, S Cree, J Hogg and B Jarvis.

Abstentions: (0) -

The Motion became the finding of the meeting and it was agreed to proceed with the programme of works and to defer Findochty and Fochabers for more information to be given to local Members on what is being proposed in their wards.

It was also agreed that the Libraries and Museums Manager would facilitate a meeting with the local Members and the Architects about the delays in the programme for Fochabers.

12. GENDER EQUALITY SCHEME

There was submitted a report by the Director of Educational Services asking the Committee to approve the Educational Services Gender Equality Scheme, which is the Educational Services' response to its statutory duty under the Gender Equity Duty as outlined in the report.

Following consideration the Committee approved the Gender Equality Scheme as an action plan which will inform the work of the Education Authority in terms of addressing the strands contained in the Gender Equity Duty which resulted from the Act 2006.

13. MORAY SCHOOL 'S PPP PROJECT

In terms of Standing Order 25 (iv) the Committee agreed to accept, as an additional item of business, to be transacted at the meeting a report by the Chief Financial Officer in regard to Moray Schools PPP Project, which required to be considered on the grounds of urgency given the Scottish Government's budget, recently presented to the Scottish Parliament, which includes a number of significant changes that impact on the assumptions made in the Council's financial plan overview for the next three years. These changes result in an opportunity to consider making use of the funding allocation for a PPP Schools Project at this time.

During discussions Councillor Bisset presented Members with a brief outline of the situation inherited by this authority following the Local Government Elections in May of this year and perhaps of more significance the election of the New Scottish Government. Thereafter Councillor Bisset, seconded by Councillor Hamilton moved acceptance of the recommendation.

In response to a concern expressed by Councillor A McKay regarding the plans for Buckie High School, the Head of Educational Resource Services advised that the Capital Plan still had to be agreed but it was Officers intention that Buckie would go ahead in 2009/2010 but the ultimate decision would be made by Elected Members.

Councillor Divers expressed his disappointment with the whole process and felt that if it was not for the delaying tactics of the past Administration that the two schools would have been up and running and that the people of Elgin/Moray had lost out on Regional Sports Facilities. He also advised that Elgin High had originally been proposed for refurbishment as part of the PPP Project but following questions raised by himself it was established that it would be a cheaper option to rebuild it.

Councillor Shand moved that it be recommended to the Full Council to look at a Non- Profit Distribution (NPD) model to give best value which would not delay Elgin Academy or Keith Primary School.

The Chief Financial Officer clarified the position regarding NPD and with this amendment Councillor Shand agreed to withdraw his motion and support the recommendation of Councillor Bisset.

Thereafter the Committee unanimously agreed to recommend to the Moray Council that a PPP, NPD Schools Project to build a new Elgin Academy and a new Keith Primary School should be approved in order to make best use of the available funding allocation from the Scottish Government.

14. EDUCATIONAL SERVICES CAPITAL BUDGETS 2007/08

There was submitted a report by the Director of Educational Services informing the Committee of the projects and patterns of expenditure projected for Capital Budgets within Educational Services for 2007/08.

Following consideration the Committee agreed to:

- (i) note the current position regarding the Educational Service's Capital Programme; and
- (ii) approve the school projects as listed within paragraph 4.4 of the report.

15. EDUCATIONAL SERVICES REVENUE BUDGET MONITORING

There was submitted a report by the Director of Educational Services providing the Committee with a summary statement for the Educational Services Revenue Budget as at 30 September 2007 as detailed in the report and Appendix 1.

In response to Members concerns about efficiency savings Deborah Brands, Principal Accountant advised that information relating to the efficiency savings throughout the year was contained within the report.

In regard to the Devolved School Management Budget the Head of Educational Resources advised that underspends in secondary schools were a matter for headteachers to deal with and this allows headteachers to carry forward any underspends to the following year.

16. SINGLETON INSPECTIONS OF PRE-SCHOOL CENTRES – PUBLISHED REPORTS FROM SEPTEMBER 2007 – OCTOBER 2007

There was submitted and noted a report by the Director of Educational Services informing the Committee of the Singleton Inspections of Pre-school Centres by the Care Commission which were received between September 2007 and October 2007 as detailed in the Appendices to the report.

17. MONITORING REPORT: COMPLAINTS PROCEDURES

There was submitted a report by the Director of Educational Services bringing to the Committee's attention details of complaints received during the period 1 September to 31 October 2007.

In response to Members concern about the variance in targets the Director of Educational Services advised the Committee that corporate targets are to be reviewed by the Corporate Management Team (CMT) and in respect of delays in dealing with correspondence due to holidays, that action had already been taken to address this issue.

Thereafter the Committee noted the Complaints Monitoring Report for the period 1st September 2007 to 31st October 2007.

18. HMIE SCHOOL INSPECTIONS – PUBLISHED REPORTS OCTOBER – NOVEMBER 2007

There was submitted a report by the Director of Educational Services informing the Committee of the most recent reports published following inspections by HM Inspectorate of Education (HMIE) of schools in Moray:

During discussions Councillor Hogg expressed concern about Portessie School where two areas were found to be good, three very good and six indicators reported as adequate and advised that he was most concerned that the leadership of the Headteacher and self evaluation was judged as weak. He advised that the Moray Council are required to ensure that the provision of Scottish Standards of Schools Act are met and asked if it was fair to assume on this occasion that as an Education Authority the Moray Council had fallen short of providing sufficient support for this school in its hour of need and sought an assurance that systems would be put in place to attempt to avoid a repeat performance elsewhere.

The Head of Educational Development Services advised the meeting that no one within the education authority was happy with the report and that there was a desire to see improvement and set high standards. He advised that the school is already being given support and in just over a year Portessie School will have had six different head teachers and that a new Headteacher would be in post by January 2008. An action plan is currently under construction and the final pieces will be put into place when the new head teacher is in post.

Councillor G McDonald also raised concern about information being presented to Committee which he as the local member was not aware of and felt that this issue required to be addressed. He requested that Councillors see the action plan so that they can judge for themselves whether the points raised by HMIE in regard to Portessie are being adequately addressed. He felt that this was a very damning report for the school and it was incumbent of the Committee that when a report as bad as this is received that the Committee see the proposed action plan.

Councillor Paul advised the meeting that she was very pleased with the report on Craigellachie it was an excellent report.

In response to Councillor Leadbitter's request for additional information to see if schools were slipping in performance the Director of Educational Services advised that he would provide a pre inspection column in future reports.

Thereafter the Committee scrutinised and noted the HMle School Inspections, Published Reports for October to November 2007.

It was also agreed that the Appointments Procedures be amended to ensure that all Elected Members are made aware of appointments in their relevant wards and that a pre-inspection column is added to the report to show the Education context alongside HMle Inspections.

19. SCHOOL INSPECTIONS – MORAY COUNCIL FOLLOW THROUGH REPORTS – SEPTEMBER – OCTOBER 2007

There was submitted and noted a report by the Director of Educational Services informing the Committee of the most recent reports published by the Moray Council Educational Services following earlier school inspections by HM Inspectorate of Education (HMle).

20. SERVICE IMPROVEMENT PLAN – PROGRESS UPDATE FOR PERIOD FROM APRIL TO SEPTEMBER 2007

There was submitted a report by the Director of Educational Services updating the Committee on progress against the Educational Services Service Improvement Plan 2005-2008 (Revised April 2007) as detailed in Appendix 1 to the report.

The Head of Educational Support Services responded to questions raised by Members in regard to information contained within Appendix 1 of the report.

Thereafter the Committee noted the report.

21. EFFICIENT GOVERNMENT MONITORING

There was submitted and noted a report by the Director of Educational Services providing the Committee with an update on progress in respect of the Council's Efficient Government agenda as it affects Educational Services for the period 31 October 2007 as detailed in Section 4 of the report and Appendix 1.

22. CELEBRATING SUCCESS

There was submitted a report by the Director of Educational Services sharing with the Committee some of the successes which schools and services within Educational Services have achieved in recent months.

The chair on behalf of the Committee congratulated Cabrach Primary School in being one of the five finalists in 'Your Moray Your Environment Awards Scheme' Cabrach, alongside New Elgin, St Thomas's, Newmill and Cullen all received trophies with the overall winner being St Thomas's who received £500. There were 21 applicants in the competition.

Councillor Coull highlighted the 'K' awards being presented at Keith which not only recognise achievement but also recognise those making improvement and recommended that other schools should consider presenting awards such as these.

Councillor Paul highlighted the Speyside Youth Music Group which is proving to be very successful and recommend this as an opportunity for other areas

Thereafter the Committee noted the successes which schools and services have achieved in recent months.

23. PARTNERSHIP ARRANGEMENTS TO DEVELOP THE PROVISION OF ENGLISH FOR SPEAKERS OF OTHER LANGUAGES IN MORAY

There was submitted a report by the Director of Educational Services informing the Committee of the recent financial awards made by Scottish Government to Community Learning and Development Partnership and the progress made by the Partnership at a local level and also seeking homologation of the decision taken by the Director of Educational Services in consultation with Councillor Hamilton, Joint Chair of Education and Social Services Committee, to progress this matter to the recruitment and selection stage in order to gain maximum benefit from this award.

Following consideration the Committee agreed:

- (i) to note the awards from the Scottish Government to the Community Learning and Development Strategy Group and Moray College; and
- (ii) to homologate the decision taken by the Director of Educational Services in consultation with Councillor Hamilton, Joint Chair of Education and Social Services Committee, to progress this matter to the recruitment and selection stage in order to gain maximum benefit from this award.

24. INCREASED DEMAND ON THE EDUCATIONAL SUPPORT SERVICES BUDGET [PARA 5]

There was submitted a report by the Director of Educational Services informing the Committee of increased demand on the Educational Support Services budget in relation to resources required to support pupils with level 5 Additional Support Needs for financial year 2007-2008.

Following consideration the Committee agreed to:

- (i) note the increased pressure on the level 5 Additional Supports Needs budget;
to refer the increased budgetary requirement to Policy Committee for consideration.

25. CHAIR

The Chair in respect of Health & Social Care Section of business on the Agenda was taken by Councillor L Bell, Joint Chair (Remit 2: Health & Social Care).

26. WRITTEN QUESTIONS

There were no written questions for Remit 2.

27. SOCIAL WORK REVENUE AND CAPITAL BUDGET MONITORING 2007/08

There was submitted a report by the Director of Community Services informing the Committee on the current position of the Social Work Revenue and Capital budgets.

The Chair advised the Meeting that this was a good news story and there was £½m available to spend on the Millbank Project at Forres.

The Head of Community Care advised that caution was required as the underlying position was that staff were still over committing on the purchase of care due to the demand for services. Staff were still expected to target resources very carefully and were not complacent in terms of budgetary control. The current underspend contains a significant element for a resource to support individuals with challenging behaviour which will come on stream during 2008/09.

During discussion, Councillor G McDonald expressed concern in regard to Paragraph 3.12 of the report in relation to staffing issues and sought clarification as it was felt that this matter should have been reported to Committee and also sought clarification on the position with NHS Grampian and the Council in regard to the agreement.

Thereafter the Committee agreed:

- (i) to note the position of the Revenue budget for Social Work as set out in Appendix 1 of the report;
- (ii) to note the position of the Capital programme for Social Work for 2007/8 as set out in Appendix 2 of the report; and
- (iii) that a report be submitted to the next meeting of the Policy Committee on 19 December 2007 with details of what had been previously agreed in the past in regard to staffing arrangements.

28. COMMUNITY CARE PERFORMANCE REPORT, SECOND QUARTER, JULY – SEPTEMBER 2007

There was submitted a report by the Director of Community Services inviting the Committee to scrutinise the Performance Indicators for Community Care for the quarter, 1st July to 30th September 2007, as detailed in Appendix 1 to the report.

In response to concerns expressed by Councillor Coull in regard to measuring performance in relation to young people's care plans, the Head of Community Care advised that this area was previously discussed at Audit and Performance Committee. Ensuring a smooth transition between the services for young people and adults remained a priority. A draft transitional policy was in place to look at Children's Services, Education and Adult Social Work to make sure that we have robust systems for measuring young people in education who may need an adult service.

In regard to the lack of target information on page 6 of the report, she advised that there were problems with the IT system and she would ensure that the data is placed on the system to support the Performance Indicators and that the relevant information will be given to Councillor Ross following the meeting.

Thereafter the Committee scrutinised the performance information and approved the performance targets contained with Appendix 1 of the report in regard to Community Care.

29. CHILDREN AND FAMILIES PERFORMANCE REPORT, SECOND QUARTER, JULY – SEPTEMBER 2007

There was submitted and noted a report by the Director of Community Services inviting the Committee to scrutinise the Performance Indicators for Children & Families for the quarter, 1st July to 30th September 2007, as detailed in Appendix 1 to the report.

30. CRIMINAL JUSTICE PERFORMANCE REPORT, SECOND QUARTER, JULY – SEPTEMBER 2007

There was submitted a report by the Director of Community Services inviting the Committee to scrutinise the Performance Indicators for Criminal Justice for the quarter, 1st July to 30th September 2007, as detailed in Appendix 1 to the report.

In response to a concern raised by Councillor Stewart in regard to targets on page 3 of the report, the Head of Children and Families clarified the situation advising that the target referred to new probationers and the process involved in serving probation orders.

In response to Members concerns about how Probationers are dealt with, the Director of Community Services advised that the Criminal Justice Service had clear expectations of what Social Work staff should do if people don't comply with the Order and they follow their guidelines robustly. He also advised that Community Service is a direct alternative to a custodial service and if people default on this they would have no hesitation in bringing them back to Court. Criminal justice disposals should not be seen as soft options and if people default on Orders they are dealt with appropriately.

Councillor Ross expressed his gratitude to the Director of Community Services for his prompt action in providing information to himself and Councillor Cree following Audit and Performance Committee. It was also noted that a further report on the role of the Criminal Justice Social Work Services will be submitted to a future meeting of the Education and Social Services Committee.

Thereafter the Committee scrutinised the Criminal Justice Performance Report for the second quarter, 1st July to 30th September 2007 as detailed in Appendix 1 of the report.

31. COMPLAINTS MONITORING REPORT, SECOND QUARTER, JULY – SEPTEMBER 2007

There was submitted a report by the Director of Community Services inviting the Committee to scrutinise the Complaints Monitoring information for the Community Care and Children, Families & Criminal Justice Services, for the quarter, 1st July to 30th September 2007, as detailed in Appendix 1 to the report.

The Director of Community Services drew Members attention to paragraph 4.1 of the report. He pointed out that the figures presented to Members were generated by the current system which is currently subject to substantial review. He acknowledged that figures would rise significantly once more robust data capturing systems had been established and fully operationalised. Staff briefings would be taking place shortly to progress the implementation.

Thereafter the Committee scrutinised the Complaints Monitoring Report, second quarter, July to September 2007.as detailed in Appendix 1 of the report.

32. COMMUNITY SERVICES SERVICE DEVELOPMENT & IMPROVEMENT PLAN 2007-08, MONITORING REPORT, SECOND QUARTER, JULY – SEPTEMBER 2007

There was submitted a report by the Director of Community Services inviting the Committee to scrutinise the Department's performance against the Service Development & Improvement Plan 2007-08 for the quarter 1st July to 30th September 2007, as detailed in Appendix 1 to the report.

The Director of Community Services advised the meeting that most of the priorities had been achieved and there was a small number in process. It had been an ambitious plan and he felt that it was a good position to be reporting on after 8 months into a 12 month reporting period.

Thereafter the Committee scrutinised the Community Service Development & Improvement Plan 2007-08, Monitoring Report for second quarter July to September 2007 as detailed in Appendix 1 of the report.

33. SUSPENSION OF STANDING ORDERS

In terms of Standing Order 66 the Committee agreed to Suspend Standing Orders to conclude item 27 of business.

34. EFFICIENT GOVERNMENT MONITORING 2007/08

There was submitted a report by the Director of Community Services updating the Committee on the Council's Efficient Government Agenda as it affects Community Services and also outlining how actions will be progressed and reported.

During discussions Members raised questions about the target for savings being generated against vacancies and wondered how this compared to what was happening across other parts of the Council. Members requested that a report be submitted to the Policy Committee on 19 December 2007 to clarify the situation.

The Director of Community Services expressed concern at comments that managers may be tempted, due to this particular savings target, to employ inexperienced staff as one method of reducing costs. He pointed out that he had a duty to ensure that the most appropriately qualified and experienced candidate should be appointed and that such requirements to achieve savings neither influenced or delayed recruitment. The Director added that although the original targets had been very challenging, his Department was on target to achieve 90% of savings.

Thereafter the Committee noted the report on Efficient Government Monitoring 2007/08 and agreed that a further report be submitted with additional information to the next meeting of the Policy Committee on 19 December 2007.

Adjournment of Meeting

The Meeting adjourned for lunch at 12:37 and reconvened at 2.00pm.

Resumption of Meeting

The Meeting resumed at 2:00 pm.

PRESENT

Councillors J Hamilton (Joint Chair: Remit 1), L Bell (Joint Chair: Remit 2), A Bisset, G Coull, S Cree, J Divers, J Hogg, B Jarvis, G Leadbitter, M McConachie, G McIntyre, A McDonald, G McDonald, A McKay, F Murdoch, I Ogilvie, P Paul, D Ross, J Russell M Shand, D Stewart, A Wright, and I Young.

IN ATTENDANCE

The Director of Community Services, the Head of Community Care, Deborah Bosworth, Principal Accountant, Peter Fidget, Project Co-ordination Officer, the Principal Solicitor (Litigation & Licensing), and Mrs S Kennedy, Committee Services Officer who acted as Clerk to the Meeting.

APOLOGIES

Apologies for absence were intimated on behalf of Councillors J MacKay, E McGillivray, and R Shepherd.

35. BETTER HEALTH: BETTER CARE

There was submitted a report by the Director of Community Services informing the Committee of the Scottish Government Health Department discussion publication and the response submitted by the Moray Community Health and Social Care Partnership.

The Head of Community Care advised the meeting that the Moray Community Health and Social Care Partnership had responded to the Scottish Government on the discussion paper which focussed on the close working of NHS and local authorities.

Thereafter the Committee noted the 'Better Health Better Care' discussion document and the response formerly submitted by the Moray Community Health & Social Care Partnership.

36. THE CARERS' STRATEGY 2007-2010

There was submitted a report by the Director of Community Services seeking the Committee's approval for the Carers' Strategy for 2007-2010. The report also outlined proposals for the implementation of the Carers' Strategy 2007-2010 Action Plan.

The Director of Community Services advised the meeting that the strategy had been subject to widespread consultation and would be welcome by carers as it would lead to practical improvements in the range of services available that carers would feel are long overdue. Many carers had influenced and shaped the document and there had been significant input from a range of other agencies. What is being proposed is in line with the Care 21 Report. He also added that although there was a range of good services available, some significant gaps existed. A new member of staff was currently being recruited to assist with the implementation of the strategy and Members would receive updated reports on progress.

In response to concerns expressed by Members about a recent letter they had received from the Moray Carers' Project regarding the accuracy of some of the background figures supplied in the report, the Director of Community Services asked the Committee not to delay the proposal as there was a risk of losing the point of the report and strategy which had been developed to assist carers. In regard to consultation, he acknowledged that some aspects of this could have been better and apologised if any of the figures were not fully accurate. However a number of groups had been working on this framework over a long period and as the Council will be criticised in the forthcoming Social Work Inspection Agency (SWIA) report regarding the level and quality of services on offer to carers, any delay in delivering the strategy would be seen by carers as unacceptable.

Thereafter the Committee agreed:

- (i) to note the report on the consultation with registered carers on the final draft of the Carers' Strategy 2007-2010 produced by Community First for the Moray Council;
- (ii) to note and approve the revised Carers' Strategy that reflects the results of the consultation with registered carers and includes an Action Plan to deliver this Strategy.
- (iii) to note that a Carers' Strategy Officer to assist in the implementation of the Carers' Strategy was being recruited under delegated authority; and
- (iv) that an update progress report be brought back to a future Committee.

37. LEARNING DISABILITY STRATEGY 2007-2010

There was submitted a report by the Director of Community Services advising the Committee of the new Learning Disability Strategy and requesting they note the contents therein.

Following consideration the Committee noted and approved the Learning Disability Strategy 2007-2010.

38. REVIEW OF SENSORY SERVICE PROVISION

There was submitted a report by the Director of Community Services updating the Committee on the review of the Sensory Services provided by The Moray Council and outlining options for the future delivery of Sensory Services and proposals for taking the next steps.

The Director of Community Services advised the meeting that this was one of the initiatives that had arisen from the review of the voluntary sector. He advised Members that they were not being asked to fix something that was broken but build on existing service strengths. If the process generated any savings, this could be redirected to provide additional support for the public.

The Project Co-ordinator advised the Meeting that there was a need to carry out a full impact assessment on the options outlined in the report. This would help clarify how best to proceed to ensure that services become as integrated as possible in the future.

Thereafter the Committee agreed to obtain a full impact assessment on all options and to report the findings to the April meeting of this Committee.

39. CELEBRATING SUCCESS

There was submitted and noted a report by the Director of Community Services advising the Committee of the successes and positive developments that Community Services had achieved in recent months.

40. APPOINTMENT OF COUNCILLOR TO THE MORAY LEARNING DISABILITY CARERS CONSULTATION GROUP

There was submitted a report by the Director of Community Services inviting the Committee to consider nominating a Member to the Moray Learning Disability Carers Consultation Group.

Following consideration the Committee agreed that Councillor Anne McKay be appointed as the Council's nominated Elected Member Representative on the Learning Disability Carers Consultation Group.

41. UPDATE OF VOLUNTARY SECTOR HUB PROPOSAL

There was submitted a report by the Director of Community Services updating the Committee on progress to date with the proposal for a Voluntary Sector Hub. The report also outlined options to develop the Hub and sought commitment for a contracted resource to produce detailed plans and costs to submit to a future Committee for approval.

During discussions Members expressed concern that some may view Hubs as representing an outdated model of delivery especially in view of the opportunities presented by new technology to serve a wider community.

In response the Director of Community Services advised that the Voluntary Sector had been heavily involved in this to date and welcomed such a development. He added that many organisations struggled with similar resource and accommodation problems and that a HUB presented a practical solution to this. They also had been shown to reduce the sense of professional isolation experienced by some agencies in other parts of Scotland. They serve the purpose of agencies, rather than the public, doing the joining up.

Councillor Wright, in his opinion felt that there was some merit in having a lot of agencies together for the people they serve.

Thereafter the Committee agreed:

- (i) to note the options outlined for a Voluntary Sector Hub;
- (ii) in principle to the establishment of a Charitable Trust to enable the Hub Development;

- (iii) in principle that either a suitable Council owned building or land would be allocated to the Charitable Trust if and when available to enable a Hub to be established.
- (iv) to the progressing of the preferred options to a more detailed implementation plan; and
- (v) to approve matched funding of up to £10,000 as part of the development costs of this phase of the project with the main funding obtained from one of the development funding opportunities available to charitable and community based groups.

42. INITIAL OUTCOME OF THE BEST VALUE REVIEW OF VOLUNTARY SECTOR CONTRACTS – COMMUNITY SERVICES

There was submitted a report by the Director of Community Services updating the Committee on progress to date with the review of the Voluntary Sector Contracts. The report also outlined proposals to develop the commissioning, review and procurement processes to facilitate Best Value in the services purchased.

Following consideration the Committee agreed to:

- (i) note the progress made on the review of existing procedures and practices and proposals in this report; and
- (ii) note from the Best Value Review, and the recent inspection undertaken by the Social Work Inspection Agency, the issues in relation to staffing capacity in the Contracts Team and the proposal to reinforce it.

43. PROPOSED REVISED ARRANGEMENTS FOR APPROVING SERVICE CONTRACTS

There was submitted a report by the Director of Community Services reviewing the need to have a Community Services Contracts Sub-Committee and to propose options for future approval of contracts.

During discussion Members expressed concern about the delegation arrangements and felt that Elected Members should be making the decisions.

Councillor Paul seconded by Councillor G McDonald moved that the status quo remain.

Councillor Ross seconded by Councillor Young moved the recommendation as detailed in the report.

On a division there voted:-

For the Motion: (10) Councillor P Paul, G McDonald, G Coull, B Jarvis, G Leadbitter, M McConachie, A McDonald, I Ogilvie, M Shand and D Stewart.

For the Amendment: (13) Councillor D Ross, I Young, L Bell, A Bisset, S Cree, J Divers, J Hamilton, J Hogg, G McIntyre, A McKay, F Murdoch, J Russell and A Wright.

Abstentions: (0) -

The Amendment became the finding of the meeting and it was agreed to:

- (i) delegate authority for Community Services' Contracts to the Director of Community Services in consultation with the Joint Chairs of the Education and Social Services Committee; and
- (ii) approve an alternative mechanism for the approval of contracts that are sensitive or have the potential for significant change or impact on service users.

44. NATIONAL CARE HOME CONTRACT – QUALITY AWARD

There was submitted a report by the Director of Community Services advising the Committee of the National Care Home Quality Award Requirements 2007/08 and setting out proposals for discretionary payments of the Quality Award.

Following consideration the Committee agreed:

- (i) to accept the proposals for discretionary payment of the Quality Award under the National Care Home Contract;
- (ii) to approve the proposal that agreement to continue discretionary payments to Care Homes that do not meet the quality criteria be delegated to the Director of Community Services; and
- (iii) that a further report be brought to a future Committee with the decisions on discretionary payments.

45. APPOINTMENT OF ELECTED MEMBERS TO MORAY WOMEN'S AID BOARD OF DIRECTORS

There was submitted a report by the Director of Community Services inviting the Committee to consider the appointment of two Elected Members to serve as Executive Directors on the Board of Directors at Marleon House and three non-Executive Directors.

During discussions Members expressed concern about the number of representatives invited on to the Moray Women's Aid Board of Directors and felt that it would be appropriate to invite two members and asked for nominations from the Committee.

Following consideration the Committee agreed that Councillors Leadbitter and A McKay be the Councils nominated representatives on the Moray Women's Aid Board of Directors.

46. QUESTION TIME

There were no written questions for Remit 2: Health & Social Care.

47. COMPLAINTS REVIEW COMMITTEE – CASE NO. 1/2007 [PARA 5]

There was submitted a report by the Chief Legal Officer asking the Committee to consider the recommendations of the Social Work Complaints Review Committee in respect of case no. 1/2007 and to decide what action to take in respect of the complaint.

Mrs R Gunn, Senior Solicitor (Litigation & Licensing) outlined the background to the case to the Committee.

Following consideration the Committee agreed:

- (i) that the Director of Community Services liaise with the Complaints Officer(s) to ensure that, should third party access to information be the subject of a formal complaint in terms of the Social Work Complaints Procedure in the future, then full reasons for any decision to withhold information are given, those reasons being cross-referenced to the appropriate provisions of the Data Protection Act 1998;
- (ii) that the Director of the Community Services Department write to the Appellants tendering an apology for the failure to give full reasons referable to the Data Protection Act 1998 relative to the decision to withhold information on their son's care; and
- (iii) that except as detailed in paragraphs 1 and 2; the Education and Social Services Committee take no further action in respect of this complaint.