

# Notice of meeting and agenda



## Performance, Review and Scrutiny Committee

**Venue:** Council Chambers, Midlothian House, Dalkeith, EH22 1DN

**Date:** Tuesday, 06 September 2016

**Time:** 11:00

**John Blair**  
Director, Resources

**Contact:**

Clerk Name: Janet Ritchie  
Clerk Telephone: 0131 271 3158  
Clerk Email: [janet.ritchie@midlothian.gov.uk](mailto:janet.ritchie@midlothian.gov.uk)

**Further Information:**

This is a meeting which is open to members of the public.

**Audio Recording Notice:** Please note that this meeting will be recorded. The recording will be publicly available following the meeting, including publication via the internet. The Council will comply with its statutory obligations under the Data Protection Act 1998 and the Freedom of Information (Scotland) Act 2002.

## **1 Welcome, Introductions and Apologies**

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## **2 Order of Business**

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Including notice of new business submitted as urgent for consideration at the end of the meeting.

## **3 Declarations of Interest**

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Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

## **4 Minutes of Previous Meeting**

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The following minutes were submitted for approval as a correct record

<b>4.1</b>	Minute of Meeting of 26 April 2016	<b>3 - 8</b>
<b>4.2</b>	Minute of Special PRS Meeting of 8 June 2016 (1)	<b>9 - 14</b>
<b>4.3</b>	Minute of Special PRS Meeting of 8 June 2016 (2)	<b>15 - 20</b>

## **5 Public Reports**

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<b>5.1</b>	Inspection of Mayfield Nursery School - Report by Director Resources	<b>21 - 34</b>
<b>5.2</b>	Agency Staff - Report by Director Resources	<b>35 - 40</b>
<b>5.3</b>	Zero Hours Contract and the Living Wage - Report by Director Resources	<b>41 - 46</b>

## **6 Private Reports**

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No private business submitted for this meeting

# Minute of Meeting

Performance Review and Scrutiny Committee  
Tuesday 6 September 2016  
Item No 4.1



## Special Performance, Review and Scrutiny Committee

Date	Time	Venue
26 April 2016	11.00am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Councillor Milligan (Chair)	
Councillor Baxter	Councillor Bennett
Councillor de Vink	Councillor Imrie
Councillor Pottinger	Councillor Wallace

### Also in Attendance:

Kenneth Lawrie	Chief Executive
Mary Smith	Director, Education, Communities and Economy

## 1 Apologies

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1.1. No apologies received.

## 2 Order of Business

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2.1 The Chair agreed to change the order of business as outlined below and item 5.1 would be discussed at the end of the Public Reports, this would allow copies of the report to be distributed to the members.

## 3 Declarations of interest

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3.1 No declarations of interest were intimated.

## 4 Minutes of Previous Meetings

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The minutes of the following meetings were submitted and approved as a correct record:

4.1 Performance, Review and Scrutiny Committee of 8 March 2016

4.2 Special Performance, Review and Scrutiny Committee of 9 March 2016 (1)

4.3 Special Performance, Review and Scrutiny Committee of 9 March 2016 (2)

## 5 Public Reports

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Agenda No	Title	Submitted by:
<b>5.2</b>	<b>Midlothian Residential Service for Young People</b>	<b>Director Resources</b>

### Outline and summary of item

With reference to the Minutes of the Cabinet dated 19 April 2016, there was submitted a report by Head of Children's Services dated 29 February 2016 providing members with an outline of the outcomes of the unannounced Inspection carried out by the Care Inspectorate in November 2015.

The Director of Education, Communities and Economy presented the Report to the members highlighting the findings of this Inspection and the grades awarded by the Care Inspectorate.

### Decision

(a) To note the content of the Inspection Report

- (b) To acknowledge the continued improvement since the last Inspection and the positive and ongoing work by management and staff connected with the Midlothian Residential Services for Young People.
- (c) To congratulate the staff connected with the Midlothian Residential Services for Young People on the Very Good Inspection Report.

#### Action

Director Education, Communities and Economy

Agenda No	Title	Submitted by:
<b>5.3</b>	<b>Midlothian Council Fostering Service</b>	<b>Director Resources</b>

#### Outline and summary of item

With reference to the Minutes of the Cabinet dated 19 April 2016, there was submitted a report by Head of Children's Services dated 29 February 2016 providing members with an outline of the outcomes of the unannounced Inspection carried out by the Care Inspectorate in November 2015.

The Director of Education, Communities and Economy presented the Report to the members highlighting the findings of this Inspection and the grades awarded by the Care Inspectorate. The Director of Education, Communities and Economy then clarified for the members the reasons why there were differences in the grading in the reports.

#### Decision

- (a) To note the content of the inspection report.
- (b) To note that the Council would continue to challenge, support and monitor the service in relation to the delivering excellence framework.
- (c) To congratulate the management and staff connected with the Midlothian Council Fostering Service on the strengths identified in the report.

#### Action

Director of Education, Communities and Economy

Agenda No	Title	Submitted by:
<b>5.4</b>	<b>Midlothian Council Adoption Service</b>	<b>Director Resources</b>

#### Outline and summary of item

With reference to the Minutes of the Cabinet dated 19 April 2016, there was submitted a report by Head of Children's Services dated 29 February 2016 providing members with an outline of the outcomes of the unannounced Inspection carried out by the Care Inspectorate in November 2015.

The Director of Education, Communities and Economy presented the Report to the members highlighting the findings of this Inspection and the grades awarded by the Care Inspectorate.

#### Decision

- (d) To note the content of the inspection report.
- (e) To note that the Council would continue to challenge, support and monitor the service in relation to the delivering excellence framework.
- (a) To congratulate the management and staff connected with the Midlothian Council Adoption Service on the strengths identified in the report.

#### Action

Director of Education, Communities and Economy

Agenda No	Title	Submitted by:
<b>5.1</b>	<b>Procedure for External Inspection Reports</b>	<b>Director Resources</b>

#### Outline and summary of item

There was submitted a report by The Chief Executive dated 30 March 2016 outlining the proposed approach to be applied to all published external inspection reports for services which Midlothian Council has direct responsibility for and which are subject to inspection from the following agencies:

- Care Inspectorate
- Education Scotland
- Healthcare Improvement Scotland
- Mental Welfare Commission
- Scottish Housing Regulator

The information in this report and supporting appendices are in response to the Performance Review and Scrutiny Committee's request at the meeting on the 19 January 2016

The Chief Executive highlighted to the committee the External Inspection Process and the proposed Procedure for External Inspection Reports. The Chief Executive responded to questions raised by the Committee and it was agreed the following amendments would be made to the Procedure for External Inspection Reports:

- Clarity in Section 3 with regards to sharing the initial feedback from the Inspection Report.
- Change the order of Section 3 and 4.

#### Decision

- (a) To amend the Procedure for External Inspection Reports in respect of Items 3 and 4.
- (b) To bring back to the next Performance Review and Scrutiny Committee

#### Action

Chief Executive.

## 6 Private Reports

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No Private Reports were submitted.

Meeting terminated at 12.30 pm





# Minute of Meeting

Performance Review and Scrutiny Committee  
Tuesday 6 September 2016  
Item No 4.2



## Special Performance, Review and Scrutiny Committee

Date	Time	Venue
8 June 2016	11am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Councillor Milligan (Chair)	Councillor Beattie
Councillor Bennett	Councillor de Vink
Councillor Muirhead	Councillor Pottinger
Councillor Russell	Councillor Wallace

### In attendance:

John Blair	Director Resources
Alison White	Head of Adult and Social Care
Joan Tranent	Head of Children's Services
Ian Johnson	Head of Communities and Economy
Grace Vickers	Head of Education
Janet Ritchie	Democratic Service Officer

## 1 Apologies

- 1.1 It was noted that apologies had been received from Councillors Baxter, Imrie, Montgomery and Young.

## 2 Order of Business

- 2.1 The order of business was confirmed as outlined in the agenda that had been circulated.

## 3 Declarations of interest

No declarations of interest were intimated.

## 4 Public Reports

Report No.	Report Title	Presented by:
4.1	Adult Social Care Performance Report Quarter 4 2015/16	Head of Adult and Social Care

### Outline of report and summary of discussion

The Quarter 4 2015/16 yearend Performance Report for Adult and Social Care was submitted. The Head of Adult and Social Care highlighted to the Performance Review and Scrutiny Committee the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.

Thereafter the Head of Adult and Social Care responded to questions raised by Elected Member's which included:

- The Funding for the Spring Project for women and the secured funding from different sources for this project.
- The formal letter from the Scottish Government regarding the 20% reduction of funding for Substance Misuse had not yet been issued however on the information received different means of meeting this reduction has been looked at.
- The successful peer support pilot to be rolled out across 8 GP practices once sufficient peer support is in place and training has been provided.
- The older people's services and clarification on the wages paid to carers by contractors and are these carer's contracts reviewed regularly to ensure that the condition set by the Council are not breached.
- Closer working with Mental Health and Substance Misuse and looking at co-location of staff for strengthening of joint working for these services.
- The MERRIT team and one new element of this service Hospital at Home service which as a new service has built up to managing 10 patients at a time but continuing to look at ways of expanding this service.
- The Social Landlords and the extra Care Housing model and the mix of people receiving care packages. More work is required with regards to looking at allocations and further discussion with Housing providers.

- The delay in the building of the new housing provision for people with complex needs which was due to the procurement process and questions received from the providers.
- Building on the success Gateway Clinics and this being off target which was due to the delay in the confirmation of the funding which in turn delayed the start of the recruitment process.
- Holistic Services for people with learning difficulties and ensuring there is a robust management system is in place before taking on the Community Learning Disability Team locally.
- Increase in patients at home with no package of care. This is a positive outcome as it means they have received good intensive rehab and they do not require a package of care at home.
- The decrease of Intermediate Care at Home Clients returning to hospital some of this is due to better use of the beds and ensuring they are used for Clients who can benefit from the assessment and be positively supported.
- Clarity on falls and reducing hospital admission with developing and implementing a preventative approach with carers in addressing the issues around the falls to prevent future falls.
- The Carers survey and the Carers conversations which take place and the results showing that not all Carers feel valued and supported in their role and this is partly due to some of these Carers not being known to the Council so therefore are not receiving the relevant support provided.

#### Decision

- The figures on number of women supported by the Spring Project.
- A Report on '0' hours contracts and the living wage paid across the Council.
- A Report on Agency staff employed by the Council.

#### Action

Head of Adult and Social Care  
Director of Resources

Report No.	Report Title	Presented by:
4.2	Customer and Housing Services Performance Report Quarter 4 2015/16	Head of Adult and Social Care

#### Outline of report and summary of discussion

The Quarter 4 2015/16 yearend Performance Report for Customer and Housing Services was submitted. The Head of Adult and Social Care highlighted to the Performance Review and Scrutiny Committee the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.

Thereafter the Head of Adult and Social Care responded to questions raised by Elected Member's which included:

- The Customer Services provision in the Mayfield Library while a really positive resource there needs to be consideration for Library users. Also the possibility of an area for confidentiality away from the noise of the Contact Centre.
- Newbyres Crescent and supports in place to assist the families in managing the sense of trauma and consequence, especially the children some who are in foster care.
- Positive comments with regards to the Community Hub in the Mayfield Library and that this now becomes a permanent feature and we work to progress this further throughout Midlothian.

#### Decision

- The relevant services to note the concerns with regards to Families from Newbyres Crescent.
- To otherwise note the Report

Report No.	Report Title	Presented by:
4.3	Children's Services Performance Report Quarter 4 2015/16	Head of Children's Services

#### Outline of report and summary of discussion

The Quarter 4 2015/16 yearend Performance Report for Children's Services was submitted. The Head of Children's Services highlighted to the Performance Review and Scrutiny Committee the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.

This is an overall statement on how Children's Services has performed over the last year. Children's Services is under review and on the 1<sup>st</sup> July the new structure will be presented to the Transformation Board however staff will not be notified until September.

#### Decision

- To note the Report

Report No.	Report Title	Presented by:
4.4	Communities and Economy Performance Report Quarter 4 2015/16	Head of Communities and Economy

#### Outline of report and summary of discussion

The Quarter 4 2015/16 yearend Performance Report for Communities and Economy was submitted. The Head of Communities and Economy highlighted to the Performance Review and Scrutiny Committee the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.

Thereafter the Head of Communities and Economy responded to questions raised by Elected Member's on the Borders Railway.

Some of the issues raised were:

- The Borders Railway passenger numbers in Midlothian are below the predicted.
- The lack of rolling stock and the poor quality of the rolling stock in place.
- The overcrowding on these trains.
- Midlothian resident's unable to get the use of this service.

It was agreed this is a good service and the benefit of the Borders Rail for Midlothian is significant. All the concerns discussed would be raised at the Officers Groups attended by the Borders Railway Blueprint partners.

#### Decision

- The concerns raised by the Committee will be raised at the Officer groups.
- A Report will be brought back to Council in August with an update on the progress.

#### Action

Director of Resources

Report No.	Report Title	Presented by:
4.5	Education Performance Report Quarter 4 2015/16	Head of Education

#### Outline of report and summary of discussion

The Quarter 4 2015/16 Performance Report for Education was submitted. The Head of Education highlighted to the Performance Review and Scrutiny Committee the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.

Thereafter the Head of Education responded to questions raised by Elected Member's which included:

- The positive work at Mayfield Nursery and the roll out of this model to other provisions.
- The progress with regards to Positive Destinations and local employers in the area and the supports in place for these small businesses working with the Council.
- Concerns raised on reports received from parents on the costs of outings during suspended timetables.

**Decision**

- Recognition of the excellent work going on at Mayfield Nursery.
- Information regarding the high costs on outings during suspended timetables to be forwarded to Head of Education for investigation.
- To otherwise note the Report.

**Action**

Head of Education

## **5 Private Reports**

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No private business submitted to this meeting.

The meeting terminated at 12:43 pm

# Minute of Meeting

Performance Review and Scrutiny Committee  
Tuesday 6 September 2016  
Item No 4.3



## Special Performance, Review and Scrutiny Committee

Date	Time	Venue
8 June 2016	2 pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Councillor Milligan (Chair)	Councillor Bennett
Councillor Coventry	Councillor de Vink
Councillor Muirhead	Councillor Pottinger
Councillor Russell	Councillor Wallace

### In attendance:

Kenneth Lawrie	Chief Executive
Garry Sheret	Head of Property and Facilities Management
Ricky Moffat	Head of Commercial Operations
Gary Fairley	Head of Integrated Service Support
Janet Ritchie	Democratic Services Officer

## 1 Apologies

- 1.1 It was noted that apologies had been received from Councillors Baxter, Beattie, Imrie, Montgomery and Young.

## 2 Order of Business

The order of business was confirmed as outlined in the agenda that had been circulated.

## 3 Declarations of interest

No declarations of interest were intimated.

## 4 Public Reports

Report No.	Report Title	Presented by:
4.1	Commercial Operations Q4 Performance Report	Head of Commercial Operations

### Outline of report and summary of discussion

The Quarter 4 2015/16 yearend Performance Report for Commercial Operations was submitted. The Head of Commercial Operations highlighted to the Performance Review and Scrutiny Committee the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report. Thereafter the Head of Commercial Operations responded to questions raised by Elected Member's which included:

- Recycling and the various contracts for waste disposal and the difference in costs for processing this waste. The approximate costs currently to the Council for disposal of waste vary according to the waste: Food waste £20 per ton; Residual waste £100 per ton Recycling £20 per ton. The team continue to encourage residents to dispose of their waste appropriately.
- Road Network and any decisions made are based on the asset management principle also all Community Council were notified and any feedback received was considered.
- With regards the station at Newtongrange all interactive signs are now in place including information regarding travel and details on tourist attractions.
- The Grey Fleet Mileage is being assessed and consideration given to reducing the carbon footprint.
- The issues around abandoned vehicles and the time it takes for these to be uplifted. It was explained there is a process in place but unfortunately it is now more difficult to check ownership of these vehicles and also difficulties in sourcing companies who will uplift these vehicles due to no scrape value.
- The issue of fly tipping was raised and how this is dealt with by the Council. It was explained that any fly tipping is mapped on a national database recording the location of the fly tipping, the date reported and the type of material. This material is uplifted by the Council and disposed off as residual waste and although there are no figures available on the cost this can be



obtained from the database. It was confirmed there has been an increase in the last 6 months of fly tipping.

- With regards to the Penicuik Depot there are ongoing consultations and a full report will go to Council in due course.
- Recycling in general has been a success and the Midlothian residents have engaged in this from the start. The possibility of larger bins for recycle waste was raised along with the use of the larger bins for residual waste and if these were still required. Ongoing work has been undertaken by the waste aware team in addressing these issues as well as linking in with the collection team.

#### Decision

- To congratulate on the service on the progress with regards to recycling.
- To provide feedback on the cost of fly tipping.
- To provide an update on the issues to be addressed regarding the uplift of abandoned vehicles.
- To otherwise note the Report.

#### Action

Head of Commercial Operations

Report No.	Report Title	Presented by:
4.2	Finance and Integrated Service Support Performance Report Quarter 4 2015/16	Head of Integrated Service Support

#### Outline of report and summary of discussion

The Quarter 4 2015/16 year end Performance Report for Integrated Service Support was submitted. The Head of Integrated Service Support highlighted to the Performance Review and Scrutiny Committee the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report. Thereafter the Head of Integrated Service Support responded to questions raised by Elected Member's which included:

- In terms of the ranking, showing the 3<sup>rd</sup> quartile, this was explained that as one of the smaller mainland authorities ranking of 20 show better than similar sized authorities.
- The drop in percentage in dealing with invoices within 30 days, although there is no particular reason for this drop in performance, purchasing cards have been introduced and this may have an impact. It was highlighted that the main factor is to ensure that invoices are dealt with properly and the business processes are in place.

#### Decision

- To note the Report

Report No.	Report Title	Presented by:
4.3	Property and Facilities Management Performance Report Quarter 4 2015/16	Head of Property and Facilities

#### Outline of report and summary of discussion

The Quarter 4 2015/16 year end Performance Report for Property and Facilities Management Report was submitted. The Head of Property and Facilities highlighted to the Performance Review and Scrutiny Committee the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report. Thereafter the Head of Property and Facilities responded to questions raised by Elected Member's which included:

- There are very few publically owned pitches for Rugby to be played in Midlothian and the issues around accessing facilities. Also raised was the pressure on pitches and training facilities for youngsters and the waiting lists for boys clubs due to lack of facilities. As well as looking at other pitches there are also discussions ongoing to look at improving the pitches already in Midlothian to allow longer use.
- It was highlighted that there are issues at Lasswade High School between the school and community and the use of facilities and how can this be better managed to ensure the public are able to access these facilities. It was agreed there must be a balance between the use of the facilities for both the schools and communities.

#### Decision

- Agreed to bring back a Report to next Performance Review and Scrutiny Committee on the timescale for the work in preparing an audit of sports facilities in Midlothian and how this will be taken forward through the emerging MLDP to ensure that appropriate developers contributions were sought for new sports facilities.
- To note the issues with regards to School facilities and the management of this.
- To otherwise note the Report.

#### Decision

- To note the Report

Report No.	Report Title	Presented by:
4.4	Midlothian Council Performance Report Quarter 4 2015/16	Chief Executive

#### Outline of report and summary of discussion

The Quarter 4 2015/16 yearend Performance Report for Midlothian Council was submitted. The Chief Executive highlighted to the Performance Review and Scrutiny Committee the progresses and a summary of the emerging challenges as detailed in the Report.

<b>Decision</b>
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- |                                                                       |
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| <ul style="list-style-type: none"> <li>To note the report.</li> </ul> |
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Report No.	Report Title	Presented by:
4.5	Introduction of the Balance Scorecard	Chief Executive

<b>Outline of report and summary of discussion</b>
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<p>There was the Introduction of the Balanced Scorecard Report submitted by the Chief Executive dated 24 March 2016. The Report presented the current draft of the Balanced Scorecard produced as a result of the ongoing strategic review of planning and performance management arrangements. The report updates the Cabinet on the current position of the Balanced Scorecard as part of the quarterly performance reporting for the year end 2015/16 in order to agree the introduction of the final template as part of the ongoing annual planning and performance management approach for the 2016/17 cycle. The Chief Executive presented the report to the Cabinet highlighting the Balanced Scorecard approach which focuses on delivery of agreed key outcomes in the Single Midlothian Plan.</p>
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<b>Decision</b>
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| <ul style="list-style-type: none"> <li>To note the inclusion of trend data in the final version.</li> <li>To otherwise note the report.</li> </ul> |
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Report No.	Report Title	Presented by:
4.6	Procedure for External Inspection Reports	Chief Executive

<b>Outline of report and summary of discussion</b>
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<p>There was a report submitted on the Procedure for External Inspection by the Chief Executive. The purpose of this report is to seek approval for a proposed approach to be applied to all published external inspection reports for services which Midlothian Council has direct responsibility for.</p>
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<p>The Performance Review and Scrutiny Committee in respect of the Report had agreed on 26 April 2016 the following recommendations:</p>
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| <ul style="list-style-type: none"> <li>To amend the Procedure for External Inspection Reports in respect of Items 3 and 4.</li> </ul> |
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<p>The Chief Executive highlighted to the Committee the changes made to the Report to reflect the Committees concerns raised at the last meeting.</p>
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<b>Decision</b>
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- |                                                                           |
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| <ul style="list-style-type: none"> <li>To approve this report.</li> </ul> |
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## 5 Private Reports

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No private business submitted to this meeting.

The meeting terminated at 15:21 pm



## **Inspection of Mayfield Nursery School**

### **Report by John Blair, Director, Resources**

#### **1 Purpose of Report**

The purpose of this report is to bring to the Committee's attention the attached report by the Director, Education, Communities and Economy.

#### **2 Background**

The report was considered by the Cabinet on 30 August 2016, when it was agreed, as follows:-

- (a) To note the content of the inspection report;
- (b) To refer the report to the Performance, Review and Scrutiny Committee for its consideration;
- (c) To congratulate the pupils, parents and staff connected with Mayfield Nursery School on the key strengths and innovative practice highlighted in the report.

#### **3 Report Implications**

These are as outlined in the attached report by the Director, Education, Communities and Economy.

#### **4 Recommendations**

The Committee is invited to consider the attached report by the Director Education, Communities and Economy.

**Date 25 August 2016**

#### **Report Contact:**

Name: Gordon Aitken Tel No 0131 271 3159  
Gordon.aitken@midlothian.gov.uk



## **Inspection of Mayfield Nursery School**

### **Report by Dr Mary Smith, Director of Education, Communities and Economy**

#### **1.0 Purpose of Report**

The report outlines the outcome of the above inspection as carried out by HM Inspectorate of Education and the Care Commission which was communicated in their letter dated 28 June 2016.

#### **2.0 Background**

**2.1** Mayfield Nursery was inspected on the week beginning 30 May 2016. The report was published on 28 June 2016 and has been distributed to all Elected Members and Church Representatives on the Cabinet for their information. The inspection covered key aspects of the work of the Nursery including the 'I Can' Speech, Language and Communication unit.

**2.2** Following inspection, the Scottish Government gathers evaluations of five core quality indicators to keep track of how well all Scottish Early, Learning and Childcare settings and schools are doing. Noted below are the evaluations for Mayfield Nursery:

Improvements in Performance	Very Good
Children's Experiences	Very Good
Meeting Learning Needs	Excellent
Curriculum	Very Good
Improvement through self-evaluation	Excellent

**2.3** The following particular strengths were indicated by the inspection team:

- Confident, resilient children who thoroughly enjoy their nursery experience.
- The welcoming and inclusive ethos, created by staff, where children feel respected and encouraged to be the best they can be.
- Children's progress in communication, early language and literacy.
- Strong relationships and productive partnerships with external agencies.
- The highly effective leadership of the acting headteacher and commitment to self-evaluation.

**2.4** The following areas for improvement were agreed between HMIE, the Nursery and the Education service:

- Develop further the current arrangements for improvements to ensure appropriate and well-informed change.

- 2.5** In addition, the Care Commission also evaluated the Nursery provision as follows and concluded, as a result of this inspection, there are no requirements and no recommendations. :

Quality of Care and Support	Excellent
Quality of Environment	Excellent
Quality of Staffing	Excellent
Quality of Management and Leadership	Excellent

## **2.6 Conclusion**

HMIE have concluded that they are satisfied with the overall quality of provision. They are confident that the Nursery's self-evaluation processes are leading to improvements. As a result, HMIE will make no further evaluative visits in connection with this inspection.

During the inspection, HMIE identified an aspect of innovative practice which they would like to explore further in order to share the practice with others. As a result HMIE will work with the Nursery and local authority in order to record and share more widely the innovative practice.

## **3.0 Report Implications**

### **3.1 Resource**

There are no financial and human resource implications associated with this report.

### **3.2 Risk**

HMIE visit a sample of nursery, primary and secondary schools every year to find out how they are performing. A report is published which informs parents about the key strengths of the school, its capacity for further improvement and sets out the main points for action.

Following the publication of that report further visits may be made to the school, either by HMIE or by the Education Authority to assist improvement and monitor progress. A follow-through report on the progress of the school is published by either HMIE or by the Education Authority, normally within 2 years of the date of publication of the original report.

Monitoring, review and evaluation of progress by Education Officers in the Quality Improvement Team is the control measure in place to reduce the risk of failure of the school to demonstrate its capacity to improve.

## **3.3 Single Midlothian Plan and Business Transformation**

Themes addressed in this report:

- ☐ Community safety
- ☐ Adult health, care and housing
- X Getting it right for every Midlothian child
- X Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- ☐ None of the above



### **3.4 Impact on Performance and Outcomes**

The setting will continue to improve its work in line with its improvement plan and the Education Service will continue to challenge and support the setting in relation to developing and implementing a range of quality improvement strategies.

### **3.5 Adopting a Preventative Approach**

The Education (Scotland) Bill aims to take preventative action in order to close the attainment versus deprivation gap by implementing key policies and programmes which are designed to target support to children and young people from disadvantaged communities. Midlothian is highly committed to closing the attainment gap which complements the strategies employed by Midlothian which are highlighted in the National Improvement Framework report which was presented to Council on 3 November 2015.

### **3.6 Involving Communities and Other Stakeholders**

Copies of the report have been made available to Elected Members, parents of children currently in the school and other interested parties.

### **3.7 Ensuring Equalities**

The School Improvement Plan will be screened for equalities implications.

### **3.8 Supporting Sustainable Development**

The School Improvement Plan allows for sustainable development and improvement.

### **3.9 IT Issues**

There are no IT implications.

## **4.0 Recommendations**

Cabinet is asked to:

- (i) note the content of the inspection report;
- (ii) pass this report to the Performance, Review and Scrutiny Committee for its consideration; and
- (iii) congratulate the pupils, parents and staff connected with Mayfield Nursery School on the key strengths and innovative practice highlighted in the report;

**29 July 2016**

**Report Contact: Cathy Lailvaux**

**Tel No: 0131 271 3718**

**E-mail: cathy.lailvaux@midlothian.gov.uk**

### **Background Papers:**

<http://www.educationscotland.gov.uk/inspectionandreview/reports/school/eyc/MayfieldNurserySchoolDalkeithMidlothian.asp>

Appendix 1 – Inspection Report

Appendix 2 – Additional evidence





28 June 2016

Dear Parent/Carer

**Mayfield Nursery School  
Midlothian Council**

Recently, as you may know, my colleagues and I visited and inspected your child's early learning and childcare (ELC) setting. Throughout our visit we talked to parents and children and we worked closely with the acting headteacher and staff. We wanted to find out how well children were learning and achieving and how well the ELC setting supported children to do their best. The acting headteacher shared with us the ELC setting's successes and priorities for improvement. We looked at some particular aspects of the ELC setting's recent work including visible learning with children. As a result, we were able to find out how good the ELC setting was at improving children's education. I would now like to tell you what we found.

### **How well do children learn and achieve?**

Across the nursery and the ICAN Speech, Language and Communication unit all children are learning and achieving very well. We were impressed by the calm, purposeful learning environment which is supporting the needs of all children. Staff show a consistent and positive approach in their interactions which is helping children achieve. As a result, children show a great deal of confidence in their learning environment both within the playrooms and outside in their recently improved nursery garden. They are responding well to the freedom to lead their own learning and display a great deal of enjoyment as they play. Alongside their friends they are working closely with staff to plan experiences which capture their interests such as, recent work on the 'Big Bird Watch' and in planting and growing seeds and vegetables.

Children are making very good progress in early language and mathematics. Children's communication and listening skills are developing well. Children listen well to adults and each other. Staff use sign-along strategies with consistency and skill to support children's communication throughout the nursery. Children are learning in a literacy-enriched environment. Children are interested in finding out about the meaning of new words when talking about a story. They also thoroughly

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enjoy retelling a story using puppets and props and are developing an understanding of character. For example, being the giant when retelling the story of *Jack and the Beanstalk*. The development of 'Big Bedtime Read' where children borrow five books a week for reading at home is showing many benefits including fostering a love of stories and for some children a more settled approach to sleep. Children in the ICAN unit were showing increased confidence in making up and talking about sentences. They particularly showed great enjoyment in the humour of funny stories that they were creating. Almost all children are experimenting with mark-making through writing their names, initial letters and some labels. They are beginning to write in their own learning folders. Children's understanding of aspects of early mathematics and numeracy is developing well as they play. For example, they were interested in measuring the height of the beans they had planted using a metre stick and also the height of some nursery furniture. At snack time, children were able to use number recognition to know how many pieces of fruit for snack when serving themselves. Children are becoming adept at sorting and putting objects into categories such as matching the species of soft toy birds. A few children were counting on by two up to the number 20. Children are benefiting from the emphasis staff place on children's health and wellbeing. Skilful work by staff is clearly supporting children to manage their own feelings which is helping them to communicate their needs effectively.

#### **How well does the early learning and childcare setting support children to develop and learn?**

In the nursery and ICAN unit, the overall quality of support to all children is excellent. Staff know each child as an individual and as a result children's learning needs are met very effectively. They have created a calm and inclusive learning environment for all children. Staff show skill in providing learning experiences which are responsive to children's interests but set at the right level of difficulty. This, in turn helps children make sustained progress in their learning. When children need additional support with their learning, the involvement and willingness of parents, partners and outside agencies is commendable. For example, the Ready Steady Nursery initiative was created to support children who struggled at first with the busy nursery environment. This has proved highly successful for children who now are happily engaged in their learning.

The ICAN unit children are benefiting very well from the sensitive and caring approach by skilled staff and Speech and Language therapists. This results in highly effective support for each individual child. Children are making very good progress from when they first started the unit. Importantly children are settled, eager to engage in their learning and their level of participation is high. At other times the ICAN unit children are part of the wider nursery group. It is to the credit and skill of all staff that this transition is truly seamless and inclusive and sensitive support is provided if needed. This was not necessary during the time of the inspection as children showed confidence in the wider group.

Staff develop and refresh their shared understanding of the curriculum using their very good knowledge and best practice in early learning. The curriculum reflects national guidance and the specific context of the nursery school. Recent changes to their approaches to planning is helping develop child-led learning. This is having a

positive impact by taking better account of children's interests and has a consistent focus on literacy and numeracy. Staff are tracking and monitoring children's learning more consistently in their daily discussions, floorbooks, and learning walls for children and parents. Children's curiosity and inquiry is encouraged through a keen interest in the natural world and visits outwith the nursery to Dalhousie Castle helped children build on their learning. Creativity and music are a regular feature of the curriculum through work with the music specialist helping children develop their sense of rhythm and beat. We are very pleased about the arrangements for children transferring into the nursery, from the ICAN unit to the main nursery and the targeted work with local primary schools to ensure a child's start at whatever setting is smooth and well supported.

### **How well does the early learning and childcare setting improve the quality of its work?**

Self-evaluation leading to improvement is integral to the life and work of the nursery. The acting headteacher plays a pivotal role in leading the whole staff team. The acting headteacher and staff place each child and family at the heart of everything they do. They work hard to involve parents and carers to help them provide a service which meets the needs of children. They regularly ask for your views to make changes and often parental support is evident, such as helping to establish the improved outside play area. Innovative work on understanding children's attendance, led by the acting headteacher with staff from the local authority children and families' team has allowed the nursery to link what they can provide to better meet the needs of the local community. All staff are involved in self-evaluation activities using information from research findings and national improvement frameworks. Visits to other high-performing settings are encouraged to improve and challenge staff knowledge and practice. Staff are reflective and adapt and change their practice to continually meet the needs of the children in their care. For example, the decision to create two playrooms rather than one large space has been successful in improving the environment for children's learning. We are confident that Mayfield Nursery School will continue to build on the many strengths outlined in this letter and will continue to further improve.

During the previous Care Inspectorate inspection, the setting had no requirements and no recommendations. As a result of this inspection, there are no requirements and no recommendations.

Our inspection of your ELC setting found the following key strengths.

- Confident, resilient children who thoroughly enjoy their nursery experience.
- The welcoming and inclusive ethos, created by staff, where children feel respected and encouraged to be the best they can be.
- Children's progress in communication, early language and literacy.
- Strong relationships and productive partnerships with external agencies.
- The highly effective leadership of the acting headteacher and commitment to self-evaluation.

We discussed with staff and Midlothian Council how they might continue to improve the ELC setting. This is what we agreed with them.

- Develop further the current arrangements for improvements to ensure appropriate and well-informed change.

#### **What happens at the end of the inspection?**

We are satisfied with the overall quality of provision. We are confident that the ELC setting's self-evaluation processes are leading to improvements. As a result, we will make no further evaluative visits in connection with this inspection. During the inspection, we identified an aspect of innovative practice which we would like to explore further in order to share the practice with others. As a result we will work with the ELC setting and local authority in order to record and share more widely the innovative practice.

Elizabeth Paterson  
HM Inspector

Sarah Hermiston  
Care Inspector

Additional inspection evidence, such as details of the quality indicator evaluations for your setting can be found on the Education Scotland website at <http://www.educationscotland.gov.uk/inspectionandreview/reports/school/eyc/MayfieldNurserySchoolDalkeithMidlothian.asp>

If you would like to receive this letter in a different format, for example, in a translation please contact the administration team on the above telephone number.

If you want to give us feedback or make a complaint about our work, please contact us by telephone on 0131 244 4330, or e-mail: [complaints@educationscotland.gsi.gov.uk](mailto:complaints@educationscotland.gsi.gov.uk) or write to us addressing your letter to the Complaints Manager, Denholm House, Almondvale Business Park, Livingston EH54 6GA.



Quality indicators help early learning and childcare (ELC) settings, education authorities and inspectors to judge what is good and what needs to be improved in the work of the ELC setting. You can find these quality indicators in the publication *Child at the Centre(2)*<sup>1</sup>. Following our inspection of each ELC setting, the Scottish Government gathers evaluations of three important quality indicators to keep track of how well all Scottish ELC settings are doing.

Here are the evaluations for **Mayfield Nursery School**

<b>Improvements in performance</b>	<b>very good</b>
<b>Children's experiences</b>	<b>very good</b>
<b>Meeting learning needs</b>	<b>excellent</b>

We also evaluated the following aspects of the work of the ELC setting

<b>The curriculum</b>	<b>very good</b>
<b>Improvement through self-evaluation</b>	<b>excellent</b>

Here are the Care Inspectorate's gradings for **Mayfield Nursery School**

<b>Quality of care and support</b>	<b>excellent</b>
<b>Quality of environment</b>	<b>excellent</b>
<b>Quality of staffing</b>	<b>excellent</b>
<b>Quality of management and leadership</b>	<b>excellent</b>

As a result of this inspection there are no requirements and no recommendations.

A copy of the full letter is available on the Education Scotland website at <http://www.educationscotland.gov.uk/inspectionandreview/reports/school/eyc/MayfieldNurserySchoolDalkeithMidlothian.asp>

[http://www.careinspectorate.com/index.php?option=com\\_content&view=article&id=7644&Itemid=489](http://www.careinspectorate.com/index.php?option=com_content&view=article&id=7644&Itemid=489)

<sup>1</sup> *The Child at the Centre, Self-Evaluation in the early years*, HM Inspectorate of Education, 2007, [http://www.educationscotland.gov.uk/Images/TheChildattheCentreSelfevaluationintheEarlyYears\\_tcm4-684267.pdf](http://www.educationscotland.gov.uk/Images/TheChildattheCentreSelfevaluationintheEarlyYears_tcm4-684267.pdf)



A sample of parents, children and young people, and all members of staff were invited to give their views of the school using a pre-inspection questionnaire. Their views informed the inspection process, including the nature of discussions in a number of meetings. Strengths and issues identified were explored by the inspection team, and the findings are included in the inspection report. The following information gives the statistical data from those that returned questionnaires.

## Nursery Staff Questionnaire Summary

Centre Name Mayfield Nursery School

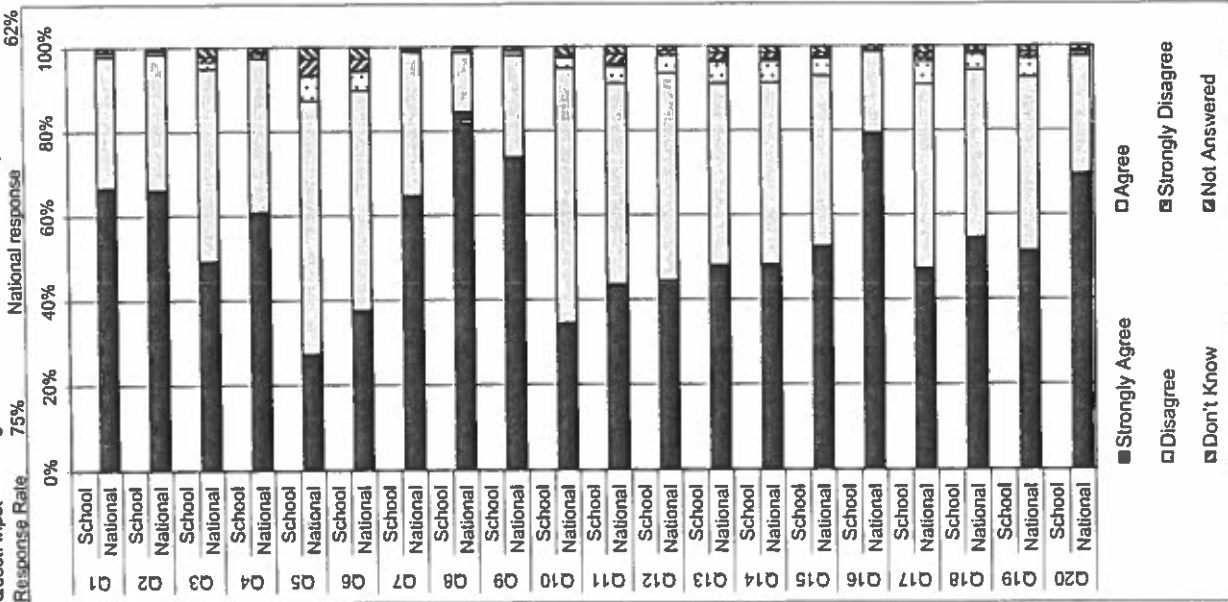
SEED Number 5547512

Quest. Issued 12

Quest. Input 9

Fewer than 10 responses received therefore the data has not been published.

Response Rate 62% National response



	Percentage %					Not Answered	Strongly Agree & Disagree	Strongly Agree & Disagree
	Strongly Agree	Disagree	Strongly Disagree	Don't Know	Agree			
Q1	0%	0%	0%	0%	0%	0%	0%	0%
Q2	0%	0%	0%	0%	0%	0%	0%	0%
Q3	0%	0%	0%	0%	0%	0%	0%	0%
Q4	0%	0%	0%	0%	0%	0%	0%	0%
Q5	0%	0%	0%	0%	0%	0%	0%	0%
Q6	0%	0%	0%	0%	0%	0%	0%	0%
Q7	0%	0%	0%	0%	0%	0%	0%	0%
Q8	0%	0%	0%	0%	0%	0%	0%	0%
Q9	0%	0%	0%	0%	0%	0%	0%	0%
Q10	0%	0%	0%	0%	0%	0%	0%	0%
Q11	0%	0%	0%	0%	0%	0%	0%	0%
Q12	0%	0%	0%	0%	0%	0%	0%	0%
Q13	0%	0%	0%	0%	0%	0%	0%	0%
Q14	0%	0%	0%	0%	0%	0%	0%	0%
Q15	0%	0%	0%	0%	0%	0%	0%	0%
Q16	0%	0%	0%	0%	0%	0%	0%	0%
Q17	0%	0%	0%	0%	0%	0%	0%	0%
Q18	0%	0%	0%	0%	0%	0%	0%	0%
Q19	0%	0%	0%	0%	0%	0%	0%	0%
Q20	0%	0%	0%	0%	0%	0%	0%	0%

Note: Will not always sum to 100% due to rounding

DISCLOSURE CONTROL APPLIED



# Nursery Parent Questionnaire Summary

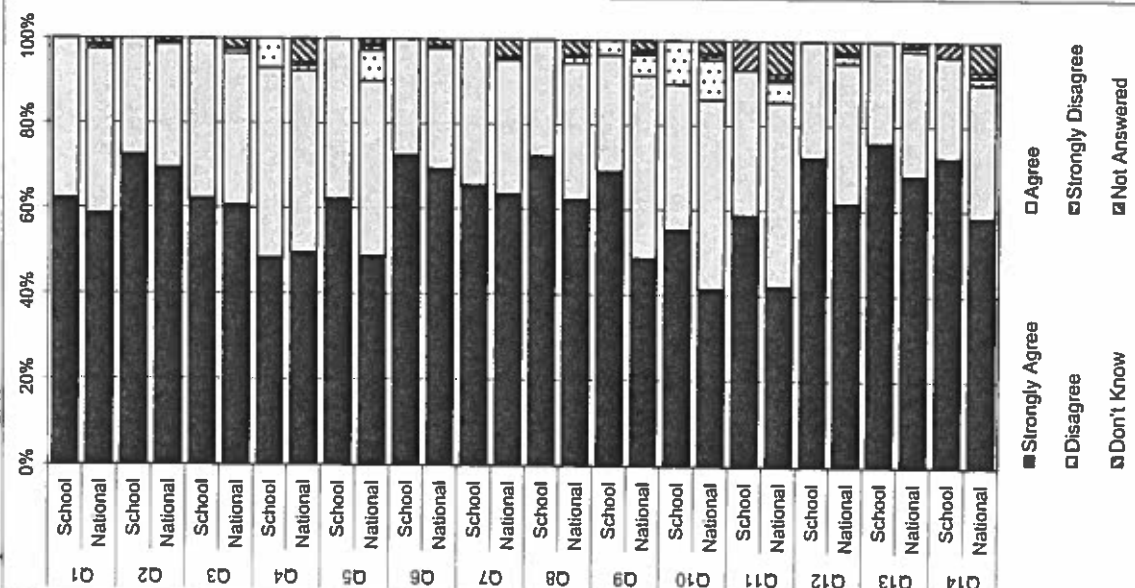
Centre Name Mayfield Nursery School

SEED Number 5547512

Quest. Issued 107

Quest. Input 29

Response Rate 27%



		Percentage %					Not Answered	Strongly Agree & Disagree
		Strongly Agree	Agree	Disagree	Strongly Disagree	Don't Know		
Q1	The nursery helps my child to be more confident.	62%	38%	0%	0%	0%	0%	0%
Q2	My child enjoys the learning experiences at the nursery.	72%	28%	0%	0%	0%	0%	0%
Q3	My child's learning is progressing well.	62%	38%	0%	0%	0%	0%	0%
Q4	My child finds most learning activities stimulating and challenging.	48%	45%	7%	0%	0%	0%	7%
Q5	The nursery keeps me well informed about my child's progress.	62%	38%	0%	0%	0%	0%	0%
Q6	My child feels safe in the nursery.	72%	28%	0%	0%	0%	0%	0%
Q7	My child is treated fairly in the nursery.	66%	34%	0%	0%	0%	0%	0%
Q8	I feel staff really know my child as an individual and support him or her well.	72%	28%	0%	0%	0%	0%	0%
Q9	Staff work in partnership with me to care for and educate my child.	69%	28%	3%	0%	0%	0%	3%
Q10	The nursery asks for my views.	55%	34%	10%	0%	0%	0%	10%
Q11	The nursery takes my views into account.	59%	34%	7%	0%	0%	0%	0%
Q12	The nursery is well led.	72%	28%	0%	0%	0%	0%	0%
Q13	Overall, I am happy with the care and education my child gets in the nursery.	76%	24%	0%	0%	0%	0%	0%
Q14	The nursery has good arrangements for children starting nursery, moving between stages and starting school.	72%	24%	0%	0%	3%	0%	0%

Note: Will not always sum to 100% due to rounding



## Agency Staff

### Report by John Blair, Director Resources

#### 1 Purpose of Report

The purpose of this report is to advise the Committee on the Agency Staff utilised by the Council in the provision of services.

#### 2 Background

- 2.1 The Committee at its meeting on 8 June 2016 during consideration of the Quarter Four 2015/16 report regarding Adult Social Care requested a report on Agency Staff employed across the Council.

#### 3 Agency Staff

##### 3.1 Spend by Directorate

The following table details the spend for each of the three financial years to 31 March 2016 ordered by Directorate.

Table 1 – Spend by Directorate

	FY 2013/14	FY 2014/15	FY 2015/16
Education, Communities and Economy	£276	£375	£327
Health and Social Care	£749	£989	£923
Resources	£1,600	£1,630	£1,811
<b>Grand Total</b>	<b>£2,625</b>	<b>£2,994</b>	<b>£3,061</b>

Table 2 details the spend for each of the three financial years to 31 March 2016 by Head of Service.

Table 2 Spend by Head of Service.

	FY 2013/14	FY 2014/15	FY 2015/16
	£000's	£000's	£000's
Children's Services	£248	£351	£309
Communities and Economy	£28	£20	£18
Education	£--	£4	£--
<b>Directorate Total</b>	<b>£276</b>	<b>£375</b>	<b>£327</b>
Adult and Social Care	£610	£727	£759
Customer Housing Services	£139	£262	£164
<b>Directorate Total</b>	<b>£749</b>	<b>£989</b>	<b>£923</b>
Commercial Operations	£11	£156	£192
Finance and Integrated Service Support	£306	£301	£268
Property and Facilities Management	£1283	£1172	£1351
<b>Directorate Total</b>	<b>£1,600</b>	<b>£1,630</b>	<b>£1,811</b>
<b>Grand Total</b>	<b>£2,625</b>	<b>£2,996</b>	<b>£3,061</b>

### **3.3 Commentary**

#### **3.3.1 Children's Services**

The Head of Children's Services comments that expenditure on Agency staff relates to social workers required to undertake statutory work in connection with looked after children, and children going forward to fostering and adoption.

#### **3.3.2 Communities and Economy**

The Head of Communities and Economy comments that expenditure on Agency staff is for Environmental Health officers to cover vacant positions. These posts are now filled by permanent employees.

#### **3.3.3 Education**

The Head of Education comments that the one off expenditure on Agency staff was to provide short term administration cover.

#### **3.3.4 Adult and Social Care**

The Head of Adult and Social Care comments that the majority of agency spend is on provision of care staff, this is necessary to ensure that the service can meet safe staffing levels which have been set out by the Care Inspectorate. In all services Managers endeavour to utilise existing staff or the locum bureau prior to approaching agencies. There is some use of agency within fieldwork services (Social Workers and Occupational Therapists) to ensure that the service meets the challenges of assessing and reviewing service provision in a timely manner. Agency staff are utilised to fill vacant posts also whilst in the process of recruiting.

#### **3.3.5 Customer and Housing Services**

The Head of Customer and Housing Services comments that the spend on agency workers has been met from within the service overall staff budget for 2014/15 and 2015/16.

Agency staff were employed in Revenues to resolve a benefit claims processing backlog. There has been a reduction to 2 staff in the current financial year funded from external Department of Work and Pensions resources.

Agency staff were previously employed in Customer Services to provide reception cover to allow permanent staff to manage the range of gateway services accessed through the Contact Centre. There have been no agency staff employed this year as the Customer Service Review is presently in a formal staff structure change consultation with staff and unions.

A short term two week agency driver provided holiday cover in 2016 to continue the Mobile Library shared service with East Lothian Council when no internal staff were available.

### **3.3.6 Commercial Operations**

The Head of Commercial Operations comments that it is necessary to utilise Agency staff to cover vacant positions within Waste Services and Fleet Transport services. Furthermore Agency staff were used in advance of the introduction of food waste collection to enable existing staff employed on general waste collection to be transferred to permanent food waste positions.

It was also necessary to utilise agency staff at the Council's recycling centres to cover staff absence.

### **3.3.7 Finance and Integrated Service Support**

The Head of Finance and Integrated Service Support comments that it was necessary to utilise agency staff to cover vacancies, staff absence and workload peaks in the following areas – Business Services, Communications and Marketing, Digital Services, Human Resources and Procurement.

### **3.3.8 Property and Facilities Management**

The Head of Property and Facilities Management comments that agency staff were used by Building Maintenance Services to complete the Council's comprehensive building and refurbishment programmes.

Within Construction and Design Services agency staff were engaged to cover increased work levels arising from the Council's developing Capital Project Programme including Dalkeith Town Centre, Review of Depot and Asset Disposal Strategy. These costs were met by the Project Fees.

There are plans being allocated to commit agency positions to directly employed staff where the business case supports this approach.

### **3.3.9 Review of Terms and Conditions**

One of the key underlying principles associated with the Review of Local Government Pay and Grading as approved by the Council in June 2016 was to increase the resilience of services and to secure service commitment from employees via contractual arrangements. This replaces the existing arrangements which in some services have evolved over time including the use of agency staff which potentially impacts on service provision capabilities.

## 4.0 Resource Implications

The following table details the Council staff costs budget for 2014/15.

Table 3 Staff costs 2014/15

	<b>Budget 2014/15</b>	<b>Actuals 2014/15</b>	<b>Variance 2014/15</b>
Education, Communities and Wellbeing	£65,098	£63,484	£(1,614)
Health and Social Care	£18,265	£19,007	£42
Resources	£38,640	£38,289	£(351)
	<b>£122,003</b>	<b>£120,780</b>	<b>(£1,223)</b>

The following table of Council Staff costs budget for 2015/16.

Table 4 Staff costs 2015/16

	<b>Budget 2015/16</b>	<b>Actuals 2015/16</b>	<b>Variance 2015/16</b>
Education, Communities and Wellbeing	£66,691	£64,235	£(2,456)
Health and Social Care	£18,083	£18,888	£805
Resources	£37,414	£37,868	£(454)
	<b>£122,188</b>	<b>£120,991</b>	<b>(£1,197)</b>

Overall, the spend on Agency workers has been met from within the Council's overall staff budget for 2014/15 and 2015/16.

Similarly in 2013/14 the Council's overall staff budget was under spent by £1,715,000. The 2013/14 budget reported on the previous management Structure therefore a like for like comparison by Directorate is not possible.

Tables 3 and 4 do not include the effect of the devolved school management budget being carried forward. Within the Resources Directorate the costs of the Council's Switch programme are detailed in the Actuals column.

### 4.1 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☐ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- ☒ None of the above

### 4.2 Impact on Performance and Outcomes

The revision to the Council Staff Terms and Conditions and contractual working arrangements following the Review of Low Pay will assist in reducing the dependency on Agency workers by Services.

#### **4.3 Adopting a Preventative Approach**

The proposal outlined in this report does not directly impact on the adoption of a preventative spend approach.

#### **4.4 Involving Communities and Other Stakeholders**

Internal consultation has taken place within Officers of all Divisions of the Council in the preparation of the report.

#### **4.5 Ensuring Equalities**

There are no direct equality issues arising from this report.

#### **4.6 Supporting Sustainable Development**

There are no sustainability issues arising from this report.

#### **4.7 IT Issues**

There are no direct IT issues arising from this report which are not already being managed by the Council.

### **5 Recommendations**

The Performance, Review and Scrutiny Committee are invited to consider the contents of this report.

**29 August 2016**

**Report Contact:**

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[john.blair@midlothian.gov.uk](mailto:john.blair@midlothian.gov.uk)

**Background Papers:**





## **Zero Hours Contracts and the Living Wage**

### **Report by Director, Resources**

#### **1 Purpose of Report**

The purpose of this report is to advise the Committee on the use of Zero Hours Contracts by the Council in the provision of services.

Furthermore the report also provides information for the Committee on the Living Wage and details of the Council proposed pay rates.

#### **2 Background**

The Committee at its meeting on 8 June 2016 during consideration of the Quarter Four 2015/16 report on Adult and Social Care requested a report on Zero Hours Contracts and the Living Wage paid by the Council.

#### **3 Zero Hours Contracts**

The following table details the number of employees who were on Fixed Term Zero Hours Contracts as at June 2016.

Table 1 – Zero Hours Contracts

Post	Number
Adult Education Tutor Vocational	15
Snowsports Instructor	34
Adult Education Tutor Non-Vocational	2
Youth Worker	2
Social Worker	2
<b>Total</b>	<b>55</b>

[Source: Payroll extract June 2016]

The rationale for employing the staff on Zero Hours Contracts is as follows:

##### Adult Education Tutors (Vocational and Non Vocational)

Life Long Learning and Employability service employ sessional staff to tutor a range of vocational and non vocational classes within the Council's Adult Education programme. The non vocational tutors provide a range of classes including single classes, weekend classes and 8 to 10 weeks courses. Tutors undertake vocational classes which lead to qualifications SVQ's, national 5 or Highers in areas including English, Maths, Computing work for 30 weeks of the year (3 terms).

### Snowsports Instructors

The Head of Property and Facilities Management comments that owing to the fluctuations in customer demands and Seasonal bookings the use of zero hours contracts is desirable. These arrangements are subject to an ongoing review by the Ski Centre Manager.

### Youth Workers

Lifelong Learning and Employability recruit a pool of staff on zero hours contracts for staff who work in youth clubs, youth projects, under take street work and tutor classes for adults. The work is normally for a 2/3 hour period. These staff are also used to cover illness or absence at short notice within casual/sessional posts.

### Social Workers

There are currently two social workers within the Criminal Justice Team who work on a zero hours basis. Both had previously been permanent members of staff who had chosen to leave their posts (one retiree and another to enter further education). Both were keen to retain links to the Council and this enables experienced staff to work where there are gaps without resorting to use of agency staff.

## **4 National Wage Rates**

### **4.1 Wage Rates Comparison**

The following table details of the national wage rates

Table 2 – National Wage Rates

	<b>Minimum Wage age 21-24</b>	<b>Minimum Wage 25 (national living wage)</b>	<b>Living Wage</b>
	£6.70 per hour	£7.20 per hour from April 2016	£8.25 per hour across the UK and £9.40 per hour in London
<b>Is it the law</b>	Yes	Yes	Voluntary
<b>Age group</b>	21 to 24	25 and older	18 and older
<b>How determined</b>	Negotiated settlement based on recommendations from businesses and trade unions	A percentage of median income, currently at 55%, with the aims to reach 60% of median income by 2020	Calculation made according to the cost of living, based on a basket of household goods and services
<b>Is there a London Waiting?</b>	No	No	Yes

### **4.2 National Living Wage**

In July 2015 the Chancellor of the Exchequer announced that the UK Government will introduce a compulsory 'national living wage'.

The differences between Minimum Wage and Living Wage are set out in the table below:

**Table 3 – National Living Wage comparison**

<b>The National Minimum Wage (including the 'national living wage')</b>	<b>The Living Wage</b>
The legal minimum an employer can pay per hour. Employers break the law if they fail to pay this rate	A voluntary rate that employers commit to pay in order to go above and beyond. The Living Wage Employer Mark is a sign of best practice.
The 'national living wage' rate will be £7.20 per hour	The current UK Living Wage is £8.25 per hour. The current London Living Wage is £9.40 per hour.
This will increase each year, with the aim of reaching 60% of the median wage across the country by 2020 (this would mean around £9 per hour however the Low Pay Commission will consider what the market can bear)	This will increase in line with the cost of living with increases announced in Living Wage Week every year.
Different rates apply depending on the age of the employee. The 'national living wage' is for staff aged 25 and older only	The Living Wage is the same for all employees over the age of 18
Set by the Low Pay Commission	Set by the Living Wage Foundation
Based on an estimation of what the market can bear	Based on the cost of living
The rates are the same right across the UK	There is a separate rate for London to reflect the higher cost of living in the Capital

### 4.3 Midlothian Council

At its meeting on 28 June 2016 the Council considered a report entitled Review of Local Government Wages Pay and Grading by the Chief Executive and noted that implementation of the collective agreement to Pay, Grading and Terms and Conditions for Local Government staff with effect from 1 October 2016.

The following table details the Councils pay and grading structure.

<b>Existing Pay Rates (April 2016)</b>			<b>Proposed Pay rates (October 2016)</b>		
Grade 1	Min £8.33	Max £8.33	Grade 1	Min £8.97	Max £9.37
Grade 2	Min £8.44	Max £8.69	Grade 2	Min £9.51	Max £9.96
Grade 3	Min £8.83	Max £9.65	Grade 3	Min £10.10	Max £10.55
Grade 4	Min £9.96	Max £10.88	Grade 4	Min £10.73	Max £11.22

## 5 Report Implications

### 5.1 Resource Implications

The costs of implementing the revised pay and grading rates have been incorporated into the Councils Financial Strategy.

### 5.2 Risk

The primary risks of ensuring compliance of the compulsory national living wage rates in 2020 by the Council have been negated through the introduction of revised Pay and Grading arrangements across the Local Government workforce.

The details were set out in previous reports to Council as part of the Council's Low Pay implementation.

### **5.3 Single Midlothian Plan and Business Transformation**

The following themes are addressed in this report:

- ☐ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☒ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☒ Business transformation and Best Value
- ☐ None of the above

### **5.4 Key Priorities within the Single Midlothian Plan**

The Single Midlothian Plan sets out three key priorities of:

- Reducing the gap in learning outcomes
- Reducing the gap in health outcomes
- Reducing the gap in economic circumstances

The proposals within the Councils Low Pay Strategy directly support the third of these priorities i.e. reducing the gap in economic circumstances.

### **5.5 Impact on Performance and Outcomes**

The Council seeks to encourage a motivated and high-achieving workforce and to adapt to changing service demands and reducing financial resources.

### **5.6 Adopting a Preventative Approach**

Implementing the Council's Low Pay Strategy including increasing lifelong learning opportunities whilst reducing the gap in economic circumstances may make frontline employees feel more valued.

### **5.7 Involving Communities and Other Stakeholders**

This report has been compiled involving a range of officers from across all Council Directorates.

### **5.8 Supporting Sustainable Development**

There are no issues relating to environmental sustainability arising from this report.

### **5.9 IT Issues**

There are no direct IT issues relating to this report.

## **6 Recommendations**

The Performance Review and Scrutiny Committee are invited to consider this report.

**Date 29 August 2016**

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**Background Papers:**

