

Notice of meeting and agenda



Cabinet

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

Date: Tuesday, 30 August 2016

Time: 11:00

John Blair
Director, Resources

Contact:

Clerk Name: Gordon Aitken
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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

2 Order of Business

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

3 Declarations of Interest

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

4.1 Minutes of Special Cabinet of 31 May 2016 **5 - 12**

4.2 Minutes of Cabinet of 31 May 2016 **13 - 22**

5 Public Items (Education Interest)

5.1 Procedure for External Inspection Reports - Report by Kenneth Lawrie, Chief Executive **23 - 34**

5.2 Inspection of Mayfield Nursery School - Report by Director, Education. Communities and Economy **35 - 46**

6 Public Items (No Education Interest)

6.1 Right to Buy Policy on Council Housing - Report by Eibhlin McHugh, Joint Director, Health and Social Care **47 - 50**

6.2 Council House Building Programme Phases 2 & 3 - Progress Update August 2016 - Report by Garry Sheret, Head of Property and Facilities Management **51 - 54**

6.3 Historic Environment Scotland: Conservation Area Regeneration Scheme - Report by Head of Communities and Economy (To Follow)

THE CABINET IS INVITED (A) TO CONSIDER RESOLVING TO DEAL WITH THE UNDERNOTED BUSINESS IN PRIVATE IN TERMS OF PARAGRAPH 6 OF PART 1 OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973 - THE RELEVANT REPORT IS THEREFORE NOT FOR PUBLICATION; AND (B) TO NOTE THAT NOTWITHSTANDING ANY SUCH RESOLUTION, INFORMATION MAY STILL REQUIRE TO BE RELEASED UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 OR THE ENVIRONMENTAL INFORMATION REGULATIONS 2004

7 Private Items (Education Interest)

No private reports with an Education interest to be discussed at this meeting

8 Private Items (No Education Interest)

8.1 Irrecoverable Debt Write-off – Report by Head of Finance and Integrated Service Support

- 6. Information relating to the financial or business affairs of any particular person (other than the authority).

The next meetings of the Cabinet will be held on Tuesday 11 October 2016 at 11.00am

Minute of Meeting

Cabinet
Tuesday 30 August 2016
Item No 4.1



Special Cabinet

Date	Time	Venue
Tuesday 31 May 2016	9.00 am	Council Chambers, Midlothian House, Dalkeith, EH22 1DN

Present:

Councillor Johnstone (Chair)	Councillor Constable
Councillor Bryant	Councillor Parry
Councillor Rosie	

Religious Representatives:

Rev Ruth Halley	
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In attendance:

Kenneth Lawrie	Chief Executive
John Blair	Director Resources
Mary Smith	Director Education, Communities and Economy
Alison White	Head of Adult Social Care
Grace Vickers	Head of Education
Kevin Anderson	Head Customer and Housing Services

1. Apologies

1.1 Apologies were received from Mr Bourne.

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 received.

4. Reports

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

Outline of report and summary of discussion

The Quarter 4 2015/16 year end Performance Report for Midlothian Council was submitted detailing the delivery of Midlothian Council's priorities through the Community Planning Partnership and the Single Midlothian Plan. The Council Transformation Strategy and Individual Service Plans outlined how Midlothian Council would deliver its contribution to the Single Midlothian Plan. The Chief Executive highlighted to the Cabinet the notable items and also the challenges going forward from the Report which included:

- The Single Midlothian Plan for 2016/19 and the 3 key priorities of reducing the gap in learning outcomes, reducing the gap in health outcomes and reducing the gap in economic circumstances.
- In Adult and Social Care the positive work on Integration and the 3 year Strategic plan. Also the continued work on the transformation programme of services for older people in particular MERRIT and the Hospital at Home Services.
- In Children's Services the very positive Inspection Report which reflects the ongoing good transformation work. The opening of the Woodburn Family Learning Centre and the capacity of places for two year olds.
- The positive and dynamic approach to Raising Attainment and the good progress with Positive Destinations.
- The Mayfield Library and Customer Hub and the development of new ways of working and delivering accessible services within our localities.
- The opening of the Borders Railway.
- The success in securing funding for the New LEADER Programme to support rural economic development.

- The positive roll out of food waste collections and the ongoing work with the food waste and residual waste plants.
- The positive work around Phase2 housing and the Asset management rationalisation.
- The Council's financial challenge and the roll out of the Delivering Excellence programme.
- The implementation of the Named person and the challenges this brings.
- The Council's positive response to supporting the Syrian Refugees.

Decision

- To note all the good work throughout the report.
- To note the Challenges ahead.
- To otherwise note the Report.

Report No.	Report Title	Presented by:
4.2	Introduction of the Balanced Scorecard	Chief Executive

Outline of report and summary of discussion

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.

Decision

- To note the Balanced Scorecard was a positive way to review the Council's performance and outcomes.
- To consider the proposed Balanced Scorecard prior to its finalisation and introduction as part of the 2016/17 planning and performance cycle.

Report No.	Report Title	Presented by:
4.3	Customer and Housing Services Performance Report Quarter 4 2015/16	Head of Customer and Housing Services

Outline of report and summary of discussion

The Quarter 4 2015/16 year end Performance Report for Customer and Housing Services was submitted. The Head of Customer and Housing Services highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report. Thereafter the Head of Customer and Housing services responded to questions raised by the members of the Cabinet.

Decision

- To note the good report and the positive position for quarter 4.
- To congratulate the team on the good work in particular with the Mayfield Library and Customer Hub.
- To otherwise note the report.

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

Outline of report and summary of discussion

The Quarter 4 2015/16 year end Performance Report for Adult Social Care was submitted. The Head of Adult and Social Care highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report. Thereafter the Head of Adult Social Care responded to questions raised by the members of the Cabinet.

Decision

- To note the progress on the development of the use of the Midlothian Community Hospital.
- To note the drop in funding for the Substance Misuse Service.
- To otherwise note the Report.

Report No.	Report Title	Presented by:
4.5	Children's Services Performance Report Quarter 4 2015/16	Director of Education, Communities and Economy

Outline of report and summary of discussion

The Quarter 4 2015/16 year end Performance Report for Children's Services Performance Report Quarter 3 was submitted. The Director of Education, Communities and Economy highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report. Thereafter the Director of Education, Communities and Economy responded to questions raised by members of the Cabinet.

Decision

- To note the Kinship Care support provided.
- To note the number of Child Protection cases and the also the number of referrals which is an indication of positive working with regards to early Intervention
- To note the challenges with the changes in the Children and Young Persons Scotland Act.
- To note the Hawthorn Children's Centre and the positive early intervention work carried out.
- To congratulate the staff within Children's Services and community planning partnership on outcomes and improvements delivered in 2015/16.
- To note the continued support of churches and the Faith communities and the assured commitment of the religious representatives in their continued support and participation in 2016/17.
- To note the establishment and development of the Faith Communities Planning Group.
- To note the thanks from the Religious Representative in the Council's forward thinking approach in taking action to work collaboratively with Faith communities.
- To note the overall good report.

Report No.	Report Title	Presented by:
4.6	Communities and Economy Performance Report Quarter 4 2015/16	Director of Education, Communities and Economy

Outline of report and summary of discussion

The Quarter 4 2015/16 year end Performance Report for Communities and Economy Performance Report Quarter 4 was submitted. The Director of Education, Communities and Economy highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report. Thereafter the Directory of Education, Communities and Economy responded to questions raised by the members of the Cabinet.

Decision

- To note the successful ballot to establish the Penicuik Business Improvement District and the Council Officer's intervention in achieving this.
- To note the positive partnership working of the Council and the Communities.
- To note the very good Report.

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

Outline of report and summary of discussion

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

Decision

- To note the anomaly on the exclusion figures for quarter 4:
 - The total number of secondary school exclusion figures should read **315** instead of 338 – change to **On Target**.
 - The total number of primary school exclusion figures should read 143 instead of 166 – remains Off Target.
- To note the improvement in Raising Attainment.
- To note the success of securing Teacher numbers and recruitment of permanent supply staff.
- To note the very positive Report.

Report No.	Report Title	Presented by:
4.8	Commercial Operations Performance Report Quarter 4 2015/16	Director Resources

Outline of report and summary of discussion

The Quarter 4 2015/16 year end Performance Report for Commercial Operations was submitted. The Director of Resources highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report. Thereafter the Director Resources responded to questions raised by the members of the Cabinet.

Decision

- To note the positive progress of the roads collaboration.
- To otherwise note the Report.

Report No.	Report Title	Presented by:
4.9	Finance and Integrated Service Support Performance Report Quarter 4 2015/16	Director Resources

Outline of report and summary of discussion

The Quarter 4 2015/16 year end Performance Report for Finance and Integrated Service Support was submitted. The Director of Resources highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.

Decision

- To note the financial challenges.
- To note the positive work achieved.
- To otherwise note the Report.

Report No.	Report Title	Presented by:
4.10	Property and Facilities Management Performance Report Quarter 4 2015/16	Director Resources

Outline of report and summary of discussion

The Quarter 4 2015/16 year end Performance Report for Finance and Integrated Service Support was submitted. The Director of Resources highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.

Decision

- To note positive work in relation to Asset Management Rationalisation.
- To note the free swimming during school holidays and the extension to include the Dalkeith Campus.
- To otherwise note the Report.

5. Private Reports

No private reports were submitted to this meeting.

Meeting terminated at 10:11 am

Minute of Meeting

Cabinet
Tuesday 30 August 2016
Item No 4.2



Cabinet

Date	Time	Venue
31 May 2016	11am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Johnstone	Councillor Bryant
Councillor Parry	Councillor Constable
Councillor Rosie	

Religious Representatives:

Mrs M Harkness Rev.R Halley	
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1 Apologies

1.1 Apologies received for Mr V Bourne

2 Order of Business

The Clerk advised that an Additional item of Business namely “Forth Estuary Local Flood Risk Management Plan, 2016 to 2022” had been circulated to Members and that the Leader of the Council had agreed to deal with this matter as detailed in Item 6.5 below. He also advised that Item No 5.6 and 6.2 on the Agenda namely ” Midlothian Small Grants Programme” and” Lothian Joint Health Protection Plan” respectively, had been withdrawn from consideration at this meeting. The Director, Education, Communities and Economy was heard providing an explanation for the withdrawal of these reports.

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

The Minutes of the Meetings of the Cabinet of 19 April 2016 were submitted and approved as correct records.

Reports

Agenda No	Title
5.1	Minutes of Education Appointment Committees of 4 May 2016

Outline and summary of item

There was submitted the Minutes of Education Appointment Committees of 4 May 2016 with regard to the appointment of Head Teacher, St Andrew’s R.C. Primary School.

Decision

That the post of Head Teacher, St Andrew’s R.C. Primary School be offered to M Wells.

Action

Director Education, Communities and Economy

Agenda No	Report Title	Presented by:
5.2	School Session Dates for the Academic Year 2017/18	Director Education, Communities and Economy

Outline of report and summary of discussion

There was submitted report by the Director Education, Communities and Economy highlighting that Midlothian Council had recommended that the session dates for Midlothian schools be synchronised with neighbouring council areas in particular with the City of Edinburgh Council and East Lothian Council, bearing in mind some differences in local holidays.

If Midlothian were to set the same return date as the City of Edinburgh Council it would result in 14 teacher days in August 2017 and 199 working days in the 2016/17 teacher leave year. Within the parameters set by the Scottish Negotiating Committee for Teachers (SNCT) teachers could not work more or less than 195 days in the leave year. The implication of this for school session dates was that the number of teaching days in August could not vary from year to year if they were to comply with the SNCT Handbook.

Following significant discussion on this matter at the Midlothian Negotiating Committee for Teachers (MNCT) the management side wrote to SNCT requesting them to determine if there were exceptions or developments which would permit more than 195 days for teachers to fall within the teacher leave year.

The response from the SNCT Joint Secretary had reiterated the relevant section from the SNCT Handbook “that the leave year for teachers and music instructors *“shall run from 1 September in any year until 31 August the following year” (Part 2, paragraph 5.1) and the working year “shall consist of 195 days of which 190 will coincide with the school year for pupils with the remaining 5 days being worked by the individual teachers on duties as planned by the Council” (Part 2, paragraph 3.5).”*

The letter further confirmed that in the leave year teachers could not work more or less than 195 days and that the Council should work within the parameters set by SNCT. In other words, the leave year in 2017-18 must comply with the Handbook.

In procedural terms, if Midlothian Council did not accept the advice of the Joint Secretaries, the next step was to refer the matter to the Joint Chairs for determination. It is proposed that this course of action be pursued and the outcome reflected in the setting of school session dates for 2018/19 and future years.

The setting of school session dates for 2017/18 was required imminently so time did not permit this course of action to be pursued for the 2017/18 school session. The first day of the 2017/18 school session was therefore determined, in line with the SNCT handbook, to be Friday 18 August 2017.

The possible 2017/18 school session dates, which were attached to the report had been drawn up with a start date of Friday 18 August 2017. These school session dates coincided across the three authorities on the timing of the October, Christmas and Easter breaks and on the last day of the school session which would be Friday 29 June 2018. Officers would consult with staff and parents on the preferred dates for the February break. One option would have a February break of one week for pupils and a break of three days for staff. The other option would have a break of two days for pupils and a one day break for staff.

Edinburgh and East Lothian would have a full week break for both staff and pupils in February 2018. This break will take place in the same week in February in all three authorities. Officers would present the preferred school session dates for approval to the June meeting of Council. The Head of Education was heard in amplification of the report

Decision

- (a) To agree the school session start date for 2017/18 as Friday, 18 August 2017;
- (b) To note that preferred school session dates would be presented for approval to the June meeting of Council; and
- (c) To authorise officers to refer the matter of permitting more or less than 195 working days for teachers to fall within the teacher leave year to the Joint Chairs of SNCT for determination in the setting of school session dates for 2018/19.

Action

Director Education, Communities and Economy

Agenda No	Report Title	Presented by:
5.3	Mobile Library Service Provision	Joint Director, Health and Social Care

Outline of report and summary of discussion

There was submitted report by the Joint Director, Health and Social Care advising Cabinet of the re-launch of the Mobile Library Service within Midlothian and to provide details of a new shared service agreement with East Lothian Council. The existing mobile library required to be replaced due to the significant age of the vehicle and a replacement vehicle was planned in capital estimates and purchased in early 2015. This presented the opportunity to review provision and to re-launch an enhanced service which would better meet customer demand.

A review of the existing mobile route was undertaken which identified a number of stops where there had been no customer visits for a period of 12 months or more. The removal of these stops allowed for a redesign of the route and the capacity to add new stops in response to customer demand.

The review also identified stops with visits from a single household. These customers were transferred to the bespoke Midlothian Libraries Housebound delivery service in order to provide more targeted support.

During this period East Lothian Council approached Midlothian Council to assess if a service could be provided to East Lothian Council villages to the west of the county as they had recently withdrawn their mobile library service as a result of staff illness and numerous mechanical failures in their ageing mobile library vehicle.

A Service Level Agreement was developed between Midlothian Council and East Lothian Council with costs of £5,974.46 payable to Midlothian Council on a yearly basis.

There had been extensive consultation with current customers of the mobile library service and also across communities throughout Midlothian with regard to the proposed new route and also generally in relation to the new service provision. 93% of respondents were happy with the new route and the other 7% of respondents would have access delivered through the Midlothian Libraries Housebound service or be able to visit a branch library.

Customers in East Lothian had also been consulted and had recently been provided with the opportunity to opt-in to automatic joining the Midlothian Mobile Library Service, which had been accepted by the majority of customers.

The new service would begin on Monday 23 May 2016 with stops in East Lothian commencing during that week. The Head of Housing and Customer Services was heard in amplification of the report. to note the content of this Report.

Decision

To note the content of the Report..

Action

Head of Housing and Customer Services

Agenda No	Report Title	Presented by:
5.4	National Employability Fund Programmes Funding Reduction, Impact in a Midlothian Context	Director Education, Communities and Economy

Outline of report and summary of discussion

There was submitted report by the Director Education, Communities and Economy highlighting the changes in employability programme funding and the implications for Midlothian. This along with historical income targets had created a funding gap within Lifelong Learning and Employability (LLE). There would be a direct reduction in the number of young people and adults achieving a positive destination. The report suggested potential options to mitigate some of the impact these changes would have.

In order to address the financial gap consideration was given to the income and expenditure across the entire LLE service.

The following steps had been implemented to reduce the financial gap:

- The previous income target across LLE was £743,000,
- Therefore the current budget and income target for 16/17 was £536,000 across LLE
- The maximum level of confirmed income for 16/17 was £157,000
- After a further review of expenditure budgets, a further realignment and delivery of an additional reduction of £147,000 through reducing budgets linked to trainee allowances, stationary, programme delivery, specialist equipment and other supplies and service across the full LLE service.
- Single year 16/17 income generation and re-profiling of Developing Young Workforce (DYW) funding which equated to £70,400
- The income target of £536,000 for LLE was projected to be unachievable in 16/17 due the combination of the historic income targets and the reduction in employability fund contracts. LLE had a predicted overspend of £162,000 for 2016/17. An income target review would take place for this as part of the development 2017/18 budget.
- This following table summarised the actions described so far:

Income Target 16/17	Confirmed Income 16/17	Additional reduction in expenditure across LLE	Single Year income	Projected Overspend
£536,000	£157,000	£147,000	£70,400	£162,000

Decision

- (a) To note that the income target of £536,000 for LLE was projected to be unachievable in 2016/17 due to the combination of the historic income targets and the reduction in employability fund contracts. LLE have a predicted overspend of £162,000 for 2016/17. An income target review would take place as part of the development of the 2017/18 budget; including the resolution of the predicted overspend in 16/17;
- (b) To recognise the continued negative impact of funding and service reductions for those in equality groups;
- (c) To note the funding and delivery of a paid trainee programme for 25 young people by realigning the DYW funding from the Further Education widening access programme to direct delivery of the trainee programme;

- (d) To support the LLE service to undertake the mitigating actions to support those at risk of a negative destination and reduce the funding gap; and
 (e) To raise awareness of the associated issues through COSLA and other mechanisms.

Action

Director Education, Communities and Economy

Agenda No	Report Title	Presented by:
5.5	Update on Midlothian Residential Houses	Head of Children's Services

Outline of report and summary of discussion

There was submitted a report, by the Head of Children's Services, providing an update on the requirements of Part 9, 10 and 11 of the Children & Young People (Scotland) Act 2014, the additional funding received by Midlothian Council to meet the secondary duties and responsibilities in relation to care leavers and how Midlothian Council intended to use the additional funding to support existing provision and future planning commitments.

Decision

To note the content of the report regarding meeting the requirements of the Children & Young People (Scotland) Act 2014, Parts 9-14.

Action

Director Education, Communities and Economy

Agenda No	Report Title	Presented by:
6.1	Creation of a Pan Scotland Local Authority Business Loan Fund – Progress Update	Head of Communities and Economy

Outline of report and summary of discussion

There was submitted a report, by the Head of Communities and Economy, providing an update on the progress with the proposed creation of a Pan Scotland Local Authority Business Loan Fund and outlining the course of action that had been taken, to date, in terms of Midlothian Council's proposed participation in the new Loan Fund. The Head of Communities and Economy was heard in amplification of the report.

Decision

To note the content of the report regarding meeting the requirements of the Children & Young People (Scotland) Act 2014, Parts 9-14.

Action

Director Education, Communities and Economy

Agenda No	Report Title	Presented by:
6.3	Environmental Health Food Service Plan 2016/17	Director Education, Communities and Economy
Outline of report and summary of discussion		
There was submitted a report, by the Director Education, Communities and Economy, providing an update on the Environmental Health Food Service Plan for 2016/2017 and recommending approval of the plan. The Director Education, Communities and Economy was heard in amplification of the report.		
Decision		
To approve the Environmental Health Food Service Plan 2016/17.		
Action		
Director Education, Communities and Economy		
Agenda No	Report Title	Presented by:
6.4	Inspection of Newbyres Care Home	Joint Director, Health and Social Care
Outline of report and summary of discussion		
There was submitted a report, by the Joint Director, Health and Social Care summarising the outcome of the unannounced inspection carried out by the Care Inspectorate in April 2016.		
Based on the findings of the recent inspection the Care Inspectorate awarded Newbyres the following grades:		
Quality of care and support		Grade 3
Quality of environment		Grade 3
Quality of staffing		Grade 3
Quality of management and leadership		Grade 4
The inspectorate reported that the service had worked hard since the last inspection and that there were clear plans to continue to make improvements. To achieve this there needed to be a consistent approach by senior staff to support, guide and develop the staff team. However the improvements noted had resulted in an increase in the grades awarded at this inspection in comparison with the grades awarded at the September 2015 inspection.		

The Inspection Team noted the following strengths:

- The service provides a comfortable and clean environment with ample shared and private areas for residents to use.
- Residents looked comfortable and at ease in the home and with the staff team. Residents also spoke positively about the care and support they received from staff and of how well they were treated. The comfort, cleanliness and the quality of meals were also praised.
- The Inspection Team saw a calm and organised approach to resident care and staff did not appear unduly rushed and were able to assist residents at a pace which suited the individual.

The Inspection Team reported that further work was needed to fully implement all of the aspects of the requirements made at the last inspection. They noted that Newbyres could do better in the following areas: care planning and record keeping, management of medicines, safety of the environment and audits undertaken in the service.

An action plan was being developed to address these areas for improvement. These measures were being implemented in the context of a broader transformation of Newbyres Care Home.

The Head of Adult Care was heard in amplification of the report.

Decision

(a) To note the content of the Inspection report; and

(b) To acknowledge the continued improvement since the last Inspection and the positive and ongoing work by management and staff connected with the Newbyres Care Home

Action

Joint Director, Health and Social Care

Agenda No	Report Title	Presented by:
6.5	Forth Estuary Local Flood Risk Management Plan, 2016 to 2022	Head of Commercial Operations

Outline of report and summary of discussion

With reference to paragraph 2 above, there was submitted report by the Head of Commercial Operations providing information with regard to the Council's first Local Flood Risk Management Plan, covering the period July 2016 to June 2022. The Plan identified areas vulnerable to flooding from all sources, potential mitigation actions, and arrangements for coordination, funding and implementation of these actions.

The Head of Commercial Operations was heard in amplification of the report.

Decision

To adopt the Forth Estuary Local Flood Risk Management Plan 2016 to 2022, with a view to:

- (i) fulfilling the Council's statutory obligations under the Flood Risk Management (Scotland) Act 2009;
- (ii) assisting the City of Edinburgh Council, as Lead Local Authority for the Forth Estuary catchment area, to publish the Forth Estuary Local Flood Risk Management Plan; and
- (iii) proceeding with implementation of Actions for the Council identified in the Local Flood Risk Management Plan.

Action

Head of Commercial Operations

The meeting terminated at 11.40am.

Procedure for External Inspection Reports

Report by Kenneth Lawrie, Chief Executive

1. Purpose of the Report

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 and which are subject to inspection from the following agencies:

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

2. Background

2.1 Special Performance Review and Scrutiny

The minute from the Special Performance Review and Scrutiny Committee meeting on the 19 January 2016 noted that –

“....the Committee agreed to receive a report from Council Officers to be considered at a future meeting of the Performance, Review and Scrutiny Committee in relation to the reporting arrangements for inspection reports produced by external scrutiny bodies.”

The information in this report and supporting appendices was produced in response to the Special Performance Review and Scrutiny Committee's request. It considered and approved the proposed procedure for External Inspection reports on 8 June 2016. In view of the fact that the procedure relates to both Cabinet and PRS Committees, it is important that the Cabinet should also consider the report.

2.2 External Scrutiny

The findings of the 2007 Crerar Review of external scrutiny called for improved coordination and an overall reduction in the external scrutiny of Scottish local government. Part of the response to these findings has been the development of the National Scrutiny Plan for Local Government. The plan takes a more coordinated approach to setting out the work that Scotland's external scrutiny agencies will carry out with councils and aims to reflect a more proportionate and risk-based approach to scrutiny activity.

The National Scrutiny Plan for Local Government is supported by Local Scrutiny Plans (LSP) for each of the 32 Scottish local authorities. Each LSP is the product of an annual Shared Risk Assessment (SRA) undertaken collectively by the Local Area Network (LAN) comprising of representatives from all the relevant scrutiny agencies for the local authority.

These local plans set out the reasons behind and a time table for the planned scrutiny activity for each council. A copy of the latest Midlothian Council Local Scrutiny Plan can be found on the Audit Scotland website and on the Council's website. Further information about the LAN agencies, along with copies of the Council's previous inspection reports are available on the relevant websites as follows:

- **Care Inspectorate** <http://www.careinspectorate.com>

The Care Inspectorate is a non-departmental public body (NDPB). The Care Inspectorate's purpose is to provide assurance and protection for people who use care, social work and children's services.

- **Education Scotland** <http://www.educationscotland.gov.uk/inspectionandreview>

Education Scotland is an executive agency. It is the Scottish Government's national development and improvement agency for education. It is charged with providing support and challenge to the education system, from early years to adult learning, in line with the government's policy objectives.

- **Healthcare Improvement Scotland** <http://www.healthcareimprovementscotland.org>

Healthcare Improvement Scotland (HIS) is a health body. The function of HIS is to improve the quality of the care and experience of every person in Scotland every time they access healthcare by supporting healthcare providers.

- **Mental Welfare Commission** <http://www.mwcscot.org.uk>

The Mental Welfare Commission aims to ensure that care, treatment and support are lawful and respect the rights and promote the welfare of individuals with mental illness, learning disability and related conditions.

- **Scottish Housing Regulator** <https://www.scottishhousingregulator.gov.uk>

The Scottish Housing Regulator (SHR) is a non-ministerial department. The statutory objective of the SHR is to safeguard and promote the interests of people who are or may become homeless, tenants of social landlords, or recipients of housing services provided by social landlords.

In addition to the annual scrutiny plans identified in the Local Scrutiny Plan a number of services such as Adult Social Care, Children's Services and Education are subject to an additional ongoing inspection regime by the relevant agencies which can be a planned or unannounced visit and which results in the publication of an inspection report. It is these reports that are the subject of the proposed procedure in Appendix 1 to ensure that a consistent approach is applied to all external inspections reports published for those services which Midlothian Council has direct responsibility for.

As safeguarding is everybody's business, it is important that the inspectorates examine the contribution that all public agencies make to keep children and young people in a given area safe; this is achieved via a multi-agency inspection approach. Through formal and informal challenge and scrutiny these services, and ultimately outcomes, can be improved and therefore thematic multi-agency inspections are carried out which incorporate a number of the agencies previously mentioned, and others.

A further example of a multi-agency approach is the Care Inspectorates joint inspection of children's services with education, health, police and voluntary agencies. Some of Midlothian's services, such as Hawthorn, have been subject to a joint inspection by both Education Scotland and the Care Inspectorate covering both the nursery element and child care and welfare. In addition to joint inspections an integrated framework for inspection is used to review children's services within local areas and is very much a wider inspection of how well the community improve services for children.

The Care Inspectorate with Healthcare Improvement Scotland, carry out joint inspections of health and social work services for older people. Joint inspections for services for older people scrutinises Health and Social Care Partnerships' progress with health and social care integration. All partnerships will be inspected in due course to see how well they work in partnership with services provided through local NHS boards and hospitals and how this impacts on the lives of older people. The inspections will also look at the role of independent and voluntary organisations in the community. It is planned that the scope of these joint inspections will be expanded to include health and social work services for other adults.

The GIRFEC (Getting it right for every child) integrated framework identifies quality indicators which support self-evaluation and leads to improvement across services for children, young people and families. It places the child at the centre and is applicable to the full range of services which contribute to the wellbeing of all children, young people and their families, further details of this framework are included in section 2.3.

2.3 Internal Scrutiny

In addition to external scrutiny we also carry out our own internal reviews of progress and performance. Our approach to self-assessment is through the Midlothian Excellence Framework (MEF) which is based on the Public Service Improvement Framework (PSIF). The framework is a self-assessment tool which helps us to evaluate performance and identify examples of best practice and areas for improvement. The framework incorporates the legislative duties of Best Value with direct linkages to other quality models and standards and is a key component of the Councils continuous improvement framework Delivering Excellence.

2.4 External Scrutiny Committees

Cabinet, Audit and Performance Review and Scrutiny Committee have powers to scrutinise Council performance in their respective areas of responsibility and their link to external scrutiny and inspection activities are as follows:

- **External inspection reports** e.g. School Inspections, are submitted to Cabinet and the Performance Review and Scrutiny Committee throughout the year. These reports are covered in the proposed procedure in Appendix 1.
- **National reports**, published by Audit Scotland, are submitted to the Audit Committee throughout the year and are subject to a different procedure overseen by Internal Audit.

2.5 External Inspection Process

A recent external inspection of Newbyres Care Home (September 2015) highlighted an existing discrepancy in the internal scrutiny approach applied to external inspection reports across the various services subject to inspections. As a result the Performance Review and Scrutiny Committee asked officers to review the approach across council and return with a proposal which offered both visibility and consistency of the external inspections undertaken across Midlothian Council services.

As noted above a number of services such as Adult Social Care, Children's Services and Education are subject to an additional ongoing inspection regime by the relevant agencies and this can be a planned or unannounced visit with the output being a published inspection report with assessment against the relevant inspection framework. The following paragraphs provide an overview of the frameworks and the grading system used.

The **Care Inspectorate** inspect and grade elements of the service against 'quality themes' listed below. Under each quality theme are 'quality statements' which describe what a service should be doing well for that theme. The grade reflects the assessment of how the service performs against the quality themes and statements.

- Quality of care and support
- Quality of environment
- Quality of staffing
- Quality of management and leadership

The framework applied by **Education Scotland** for schools is How Good is Our Schools which consists of a set of 15 quality indicators (QIs) (See Appendix 2) designed to respond to three questions linked to important aspects of the work and life of our schools. The quality indicators are therefore divided into the following three categories:

- Leadership and Management: How good is our leadership and approach to improvement?
- Learning Provision: How good is the quality of care and education we offer?
- Successes and Achievements: How good are we at ensuring the best possible outcomes for all our learners?

The framework applied by **Education Scotland** for Early Years is the Child at the Centre which consists of six simple but powerful questions as shown below and which are set out in nine key areas as shown in Appendix 3.

- What outcomes have we achieved?
- How well do we meet the needs of our centre community?
- How good is the education we provide?
- How good is our management?
- How good is our leadership?
- What is our capacity for improvement?

The **GIRFEC** integrated framework used to carry out a **joint inspection** of children's services within a local area consists of the following six key questions and is set out across ten key areas as shown in Appendix 4:

- What key outcomes have we achieved?
- How well do we meet the needs of our stakeholders?
- How good is our delivery of services?
- How good is our management?
- How good is our leadership?
- What is our capacity for improvement?

The following **Six Point grading levels** apply across the inspection frameworks noted above:

- **6** – Excellent (Outstanding or Sector Leading)
- **5** – Very Good (Major strengths)
- **4** – Good (Important strengths with areas for improvement)
- **3** – Satisfactory/Adequate (Strengths just outweigh weaknesses)
- **2** – Weak (Important weaknesses)
- **1** – Unsatisfactory (Major weaknesses)

A proposed procedure for ensuring that members are notified of all external inspection reports published for Midlothian Council services and that appropriate governance is in place for Cabinet and Performance Review and Scrutiny for those council services which have been subject to an external inspection report is set out in Appendix 1.

The committee should note that the procedure focuses on those services which Midlothian Council is directly responsible for and not for those services provided by an external party such as the numerous non-council care homes which exist across the county. Whilst the inspection regime applies equally to the non-council establishments, the inspectors deal directly with providers and therefore it is not a matter of course that the council would be aware of these inspections. The procedure does however incorporate an additional step to ensure that notification of inspection reports published for non-council establishments with existing links such as partnerships and/or commissioned services is captured in the quarterly performance reporting process by the appropriate Head of Service.

3. Report Implications

3.1 Resource

There are no direct resource implications in this report.

3.2 Risk

There is a current risk that self-assessments against recommendations and plans for improvement contained within inspection reports are not undertaken by Midlothian Council or are undertaken but not communicated effectively to Elected Members. The proposed procedure would reduce this risk.

3.3 Single Midlothian Plan

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

3.4 Key Priorities within the Single Midlothian Plan

This report does not relate directly to the key priorities within the Single Midlothian Plan however the proposed procedure supports the ongoing improvement agenda across a number of the thematic areas.

3.5 Impact on Performance and Outcomes

Adoption of this procedure should ensure that, where relevant, external inspection reports presented to Cabinet and Performance Review and Scrutiny include a self-assessment against recommendations and plans for improvement.

3.6 Adopting a Preventative Approach

Adoption of this procedure should ensure that the Council is proactively responding to improvement opportunities noted as part of the inspection process.

3.7 Involving Communities and Other Stakeholders

The procedure has been referred to the Corporate Management Team for discussion.

3.8 Ensuring Equalities

There are no equalities issues with regard to this report.

3.9 Supporting Sustainable Development

There are no sustainability issues with regard to this report.

3.10 IT Issues

There are no IT issues with regard to this report.

4. Recommendations

Members are asked to review and approve the procedure for External Inspection Reports

Date: 30 March 2016
Report Contact: Myra Forsyth, Quality & Scrutiny Manager
Tel No: 0131 271 3445
E-Mail: Myra.forsyth@midlothian.gov.uk

Appendices

Appendix 1 - Procedure for External Inspection Reports
Appendix 2 – How Good is Our School – The Quality Indicators
Appendix 3 – The Child at the Centre – Early Years Quality Framework
Appendix 4 – GIRFEC – Joint Inspection Framework

Procedure for External Inspection Reports

1. The Head of Service or Service Lead emails the Quality & Scrutiny Manager to advise that an external inspection report has been published.
2. The Quality & Scrutiny Manager records all reports advised on a central report tracker detailing the published report, who it has been allocated to in order to produce any required reports for Cabinet for information and then the Performance Review and Scrutiny Committee for review, and when these will be presented.
3. On publication of the inspection report the Lead Officer should share the initial feedback and high light any areas of concern to their Head of Service and Director to ensure that the information is shared with the Executive Team and the Quality & Scrutiny Manager at the earliest opportunity.
4. The relevant Head of Service should ensure that any areas of serious concern noted are shared with portfolio and shadow portfolio holders and the leader of both the Administration and Opposition during and/or following the inspection as appropriate.
5. The Quality & Scrutiny Manager monitors the report tracker and advises Democratic Services that a note should be added to the agenda of the next available Cabinet and then to the Performance Review and Scrutiny Committee detailing:

‘the following External Inspection Reports have been published.....

Where appropriate, reports responding to published inspection reports will be submitted to Cabinet for information and Performance Review and Scrutiny Committee, detailing the impact of the report and an assessment against the recommendations and plans for improvement where applicable.’

6. The Quality & Scrutiny Manager whilst monitoring the Report Tracker will remind the Lead Officer of any outstanding reports.
7. Once available, the report (including an assessment against the recommendations and plans for improvement) will be presented to the Cabinet for information and Performance Review & Scrutiny Committee for review. The full inspection report will also be presented if necessary (this will be decided on a case by case basis).
8. Any relevant recommendations and plans for improvement will be updated to Covalent by the Service presenting the report.
9. As part of the quarterly review of performance process reporting to Cabinet/Performance Review and Scrutiny, Heads of Service should ensure that there is reference within their front page narratives of all external inspections completed or Midlothian Council Services in the previous quarter, this should also include a summary for any inspection reports published for services not delivered directly by Midlothian Council but which have formal links to the council such as partnerships and/or commissioned services.

Appendix 2 - How Good is Our School - The quality indicators

What is our capacity for improvement?		
Leadership and management	Learning provision	Successes and achievements
How good is our leadership and approach to improvement?	How good is the quality of the care and education we offer?	How good are we at ensuring the best possible outcomes for all our learners?
Self-evaluation for self-improvement Leadership of learning Leadership of change Leadership and management of staff Management of resources to promote equity	Safeguarding and child protection Curriculum Learning, teaching and assessment Personalised support Family learning Transitions Partnerships	Improving wellbeing, equality and inclusion Raising attainment and achievement Increasing creativity and employability

Appendix 3 - The Child at the Centre – Early Years (Quality Framework)

WORK AND LIFE OF THE CENTRE		SUCSESSES AND ACHIEVEMENTS		VISION AND LEADERSHIP
WHAT OUTCOMES HAVE WE ACHIEVED?	HOW WELL DO WE MEET THE NEEDS OF OUR EARLY EDUCATION CENTRE?	HOW GOOD IS THE EDUCATION WE PROVIDE?	HOW GOOD IS OUR MANAGEMENT?	HOW GOOD IS OUR LEADERSHIP?
1 KEY PERFORMANCE OUTCOMES	2 IMPACT ON LEARNERS, PARENTS, CARERS AND FAMILIES	5 PROVISION OF EARLY EDUCATION	6 POLICY DEVELOPMENT AND PLANNING	9 LEADERSHIP
1.1 Improvements in performance 1.2 Fulfilment of statutory duties	2.1 Children's experiences 2.2 The centre's successes in involving parents, carers and families	5.1 The curriculum 5.2 Teaching for effective learning 5.3 Meeting learning needs 5.4 Assessment for learning 5.5 Expectations and promoting achievement 5.6 Equality and fairness 5.7 Partnerships with children and parents 5.8 Care, welfare and development 5.9 Improvement through self-evaluation	6.1 Policy review and development 6.2 Participation in policy and planning 6.3 Planning for improvement	9.1 Vision, values, aims 9.2 Leadership and direction 9.3 Developing people and partnerships 9.4 Leadership of improvement and change
	3 IMPACT ON STAFF		7 MANAGEMENT AND SUPPORT OF STAFF	
	3.1 The engagement of staff in the life and work of the centre		7.1 Staff sufficiency, recruitment and retention 7.2 Staff deployment and teamwork	

			7.3 Staff development and review	
	4 IMPACT ON THE COMMUNITY		8 RESOURCES	
	4.1 The centre's successes in engaging with the local community 4.2 The centre's successes in engaging with the wider community		8.1 Partnership with the community, educational establishments and agencies 8.2 Management of finance for learning 8.3 Management and use of resources and space for learning 8.4 Managing information	
WHAT IS OUR CAPACITY FOR IMPROVEMENT?				

Appendix 4 - GIRFEC – Joint Inspection (Quality Framework)

WORK AND LIFE OF THE CENTRE		SUCCESSES AND ACHIEVEMENTS		VISION AND LEADERSHIP
WHAT KEY OUTCOMES HAVE WE ACHIEVED?	HOW WELL DO WE MEET THE NEEDS OF OUR STAKEHOLDERS?	HOW GOOD IS OUR DELIVERY OF SERVICES FOR CHILDREN YOUNG PEOPLE, AND FAMILIES?	HOW GOOD IS OUR OPERATIONAL MANAGEMENT?	HOW GOOD IS OUR LEADERSHIP?
1 KEY PERFORMANCE OUTCOMES	2 IMPACT ON CHILDREN, YOUNG PEOPLE AND FAMILIES	5 DELIVERY OF KEY PROCESSES	6 POLICY, SERVICE AND DEVELOPMENT AND PLANNING	9 LEADERSHIP AND DIRECTION
1.1 Improvements in the wellbeing of children and young people.	2.1 Impact on children and young people 2.2 Impact on families	5.1 Providing help and support at an early stage 5.2 Assessing and responding to risks and needs 5.3 Planning for individual children 5.4 Involving individual children, young people and families	6.1 Policies, procedures and legal measures 6.2 Planning and improving services 6.3 Participation of children, young people, families and other stakeholders. 6.4 Performance management and quality assurance	9.1 Visions, values and aims 9.2 Leadership of strategy and direction 9.3 Leadership of people 9.4 Leadership of improvement and change.
	3 IMPACT ON STAFF		7 MANAGEMENT AND SUPPORT OF STAFF	
	3.1 Impact on staff		7.1 Recruitment, deployment and joint working 7.2 Staff training, development and support	
	4 IMPACT ON THE COMMUNITY		8 PARTNERSHIP AND RESOURCES	
	4.1 Impact on community		8.1 Management of resources 8.2 Commissioning arrangements 8.3 Securing improvement through self-evaluation	
10. WHAT IS OUR CAPACITY FOR IMPROVEMENT? <i>Global judgement based on an evaluation of the framework of quality indicators</i>				

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

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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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Transforming lives through learning

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 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)*¹. 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**

Improvements in performance	very good
Children's experiences	very good
Meeting learning needs	excellent

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

The curriculum	very good
Improvement through self-evaluation	excellent

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

Quality of care and support	excellent
Quality of environment	excellent
Quality of staffing	excellent
Quality of management and leadership	excellent

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

¹ *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

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

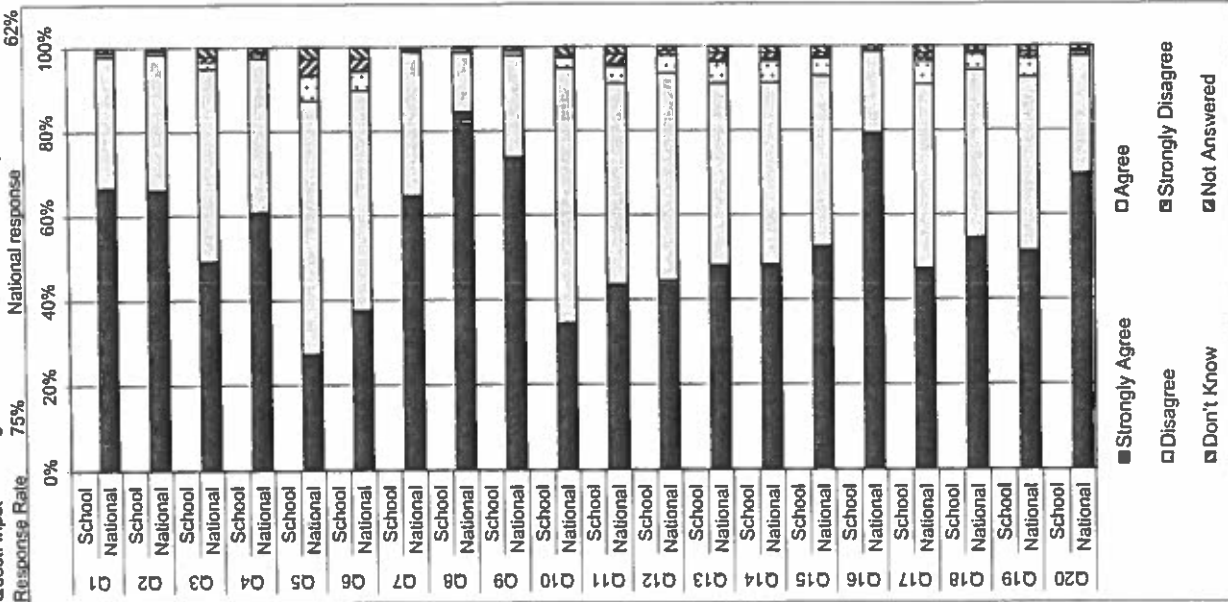
SEED Number 5547512

Quest. Issued 12

Quest. Input 9

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

Response Rate 62% National response



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

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

DISCLOSURE CONTROL APPLIED

Nursery Parent Questionnaire Summary

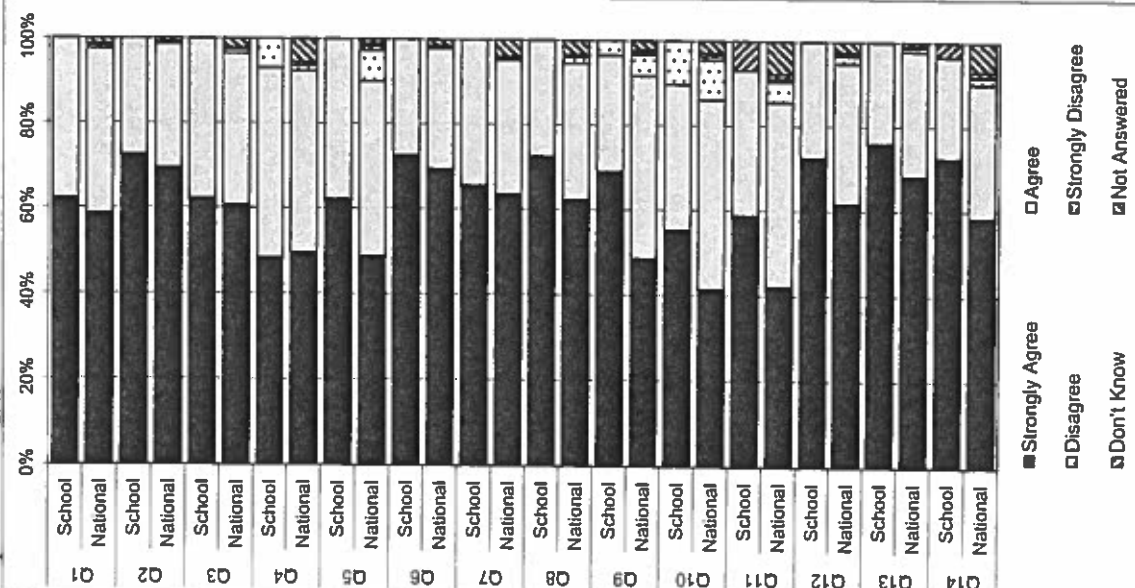
Centre Name Mayfield Nursery School

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

Right to Buy Policy on Council Housing

Report by Eibhlin McHugh, Joint Director, Health and Social Care

1. Purpose of the Report

- 1.1** The purpose of the report is to advise Cabinet of the end of the Right to Buy policy in Scotland aimed at allowing council house ownership, which took effect on 1 August, 2016. Right to Buy schemes are still operating in the rest of the United Kingdom.

2. Background

- 2.1** The Right to Buy policy allowed sitting tenants to buy public sector housing with a discount on the market value. Since it was introduced in 1980, a total of 494,580 council and housing association properties were sold under the Right to Buy in Scotland.
- 2.2** The Scottish Government announced the end of the policy in 2014 following a public consultation three years ago to protect access to socially rented properties and address housing waiting lists.
- 2.3** In Midlothian, the policy effects significantly reduced the council housing stock, increased the housing waiting lists, contributing to inequality of access to affordable, quality housing and expanded the buy to let landlord sector.
- 2.4** There was a significant reduction in the availability of affordable rented housing in Midlothian from 1980 as 7,480 properties have been sold to date under the Right to Buy scheme. The Council subsequently commenced a Social Housing Programme for new build housing with the initial developments delivered from 2006.
- 2.5** The Council is committed to the construction of new build council homes in Midlothian. The Council allocated £108M for its phase 1 new build programme, with 864 homes developed on 16 sites across Midlothian by the end of 2012.
- 2.6** The Council committed a further £60M for the development of Phase 2 new building and has also agreed a Phase 3 programme.
- 2.7** Following notification of the proposed policy change to tenants in 2015, there was an increase in the number of right to buy applications in Midlothian.

- 2.8** Tenants are meant to be made an offer of sale within two months of the application of sale, but delays in receiving valuations from the Valuation Office Agency has meant it has not always been possible to keep to this deadline. 12 Missives have been concluded to be sold at the end of August/September 2016.
- 2.9** There are 156 current applications at different stages and 43 of these received in the final week of the scheme, which are being assessed to determine if these meet the RTB criteria.

3 Report Implications

3.1 Resource

Despite employing more surveyors, demand has resulted in a backlog of work for officers at the Valuation Office Agency and additional resource has also been supplied locally in Midlothian to process surveys and sale offers for RTB applications.

3.2 Risk

The end of the Right to Buy will allow longer term planning to manage the housing stock assets more effectively and ensure income.

3.3 Key Priorities within the Single Midlothian Plan

Midlothian Council and its Community Planning Partners have made a commitment to treat the following areas as key priorities under the Single Midlothian Plan:

- The needs of households with particular needs will be addressed and all households will have equal access to housing and housing services.
- Housing in all tenures will be more energy efficient and fewer households will live in or be at risk of fuel poverty.

The themes addressed in this report impact on the delivery of the Single Midlothian Plan outcomes particularly in terms of priorities in relation to improving opportunities in Midlothian by increasing access to council services for communities and by providing long term jobs and apprenticeships to maintain our homes.

- ☒ Adult health and care
- ☒ Getting it right for every Midlothian child
- ☒ Improving opportunities in Midlothian
- ☒ Sustainable growth and Housing

- ☐ Business transformation and Best Value
☐ None of the above

3.4 Impact on Performance and Outcomes

The end of the Right to Buy safeguards the housing stock which is available for social renting.

3.5 Adopting a Preventative Approach

The policy change ensures more households are taken out of housing need and living in warm, dry, affordable housing.

3.6 Involving Communities and Other Stakeholders

The policy change resulted from a Scottish Government public consultation. Midlothian Council tenants were notified of the end of the Right to Buy in the 2015 Newsletter delivered to all tenant households.

3.7 Ensuring Equalities

No EQIA is required as this is not a new service provision.

3.8 Supporting Sustainable Development

Not applicable.

3.9 IT Issues

There are no IT issues.

4 Recommendation

Cabinet is recommended to note the content of this Report.

Date: 4 August 2016

Report Contact

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**Council House Building Programme Phases 2&3
Progress Update August 2016****Report by Garry Sheret, Head of Property and Facilities Management****1 Purpose of Report**

Update report to provide the Cabinet with the progress being made on the Council House Building Programme.

2 Background**2.1 Council Housing Programme - Phase 1 Framework**

The first phase provided 864 additional homes within the Midlothian area over a period of 7 years with a total budget of £108,700,000 and is complete.

2.1.1 Residual Issue: Newbyres Crescent/Gore Avenue, Gorebridge

The re-development of this site is included in Phase 2. Structures have been demolished and the foundations removed. The Site Investigation tender has been completed and the Contractor is now due to be appointed.

2.1.2 Residual Issue: Solar Panels

There has been an investigation into latent defects of the solar panel installations on sites at New Park Gardens in Gorebridge, Salters Road in Dalkeith, Academy Lane in Loanhead and Cuiken Terrace in Penicuik. The report is currently being reviewed by legal advisers. The problems do not appear to have restricted the benefits to tenants but relate to prevention of water ingress.

2.1.3 Scottish Water Contributions

The Council is entitled to recover contributions from Scottish Water following the completion of residential developments. Further payments continue to be received by the Council.

2.2 Council Housing Programme - Phase 2 Framework

Phase 2 is providing a further 420 additional homes within the Midlothian area with a total budget of £63,663,000 which is funded from the Housing Revenue Account and Scottish Government grant funding. The General Services Account provided funding for the Young People's Homes and non-housing elements of Cowan Court Extra Care Housing. There remain approximately 90 homes yet to be completed. The Phase 2 Contractor Framework allows for an extension of one year beyond the expiry date of 31 July 2017. All the available sites previously approved for Phase 2 have now been used therefore further sites are currently being assessed in conjunction with those for the Phase 3 Housing and will be submitted for to Council for approval after consultation.

2.2.1 Completed Sites

Site 2; Woodburn Road; Dalkeith

Site consists of 14 mainstream homes and 1 Home for Young People. All completed homes were released for occupation in September 2013.

Site 9; Craigiefield Crescent; Penicuik

Site consists of 17 mainstream homes. All completed homes were released for occupation in July 2015. End of year defect inspections are currently underway.

Site 18; Eastfield Drive; Penicuik

Site consists of 17 mainstream homes. All completed homes were released for occupation in August 2015.

Site 37; Eastfield Drive; Penicuik

Site consists of 32 extra care flats, 30 mainstream homes and 1 Home for Young People. All completed homes were released for occupation between March and November 2013.

Site 42; Jackson Street; Penicuik

Site consists of 14 mainstream homes. All completed homes were released for occupation in June 2015. End of year defect inspections have been carried out and remedial works are underway.

2.2.2 Construction Stages

Site 60; Edgefield Road; Loanhead

The first handover has been completed with 10 homes being released to Housing. The second phase handover of 12 homes is scheduled for mid August. The final phase will be handed over early October 2016 in line with the contract programme.

Site 51a Stobhill Road; Gorebridge

Main contract works commenced November 2015 and are 60% complete. The works are due to complete April 2017.

Site 51b Stobhill Road, Gorebridge

Enabling works have commenced. Site works will follow on from site 51A. The completion date is being re-programmed due to a delay in the site start for environmental report reasons.

Site 108; Polton Street, Bonnyrigg

Main contract works commenced November 2015 and are 75% complete. The works are due to complete November 2016.

Complex Care, Eastfield Farm Road, Penicuik

Site consists of 12 new build one bed apartments and a management block created by refurbishing an existing semi-detached house. The main contractor (ESH Borders Construction) was appointed in February 2016 and commenced on site in March 2016.

The works are approximately 30% complete and are scheduled to complete in February 2017.

2.2.3 Pre-construction

No pre construction at present.

2.2.4 Site 32/34; Newbyres Crescent / Gore Avenue, Gorebridge

Demolition of the properties was carried out from February 2016 and completed June 2016 as per programme.

Ground Investigation works tendering is ongoing with commencement of onsite activities scheduled for later in 2016.

Mini comp tender for main contract works is scheduled to be issued in August with a return in November 2016.

Phase 3

On the Council meeting of 15 December 2015 it was agreed and recorded that a Phase 3 housing programme would follow on from Phase 2. Phase 3 will comprise up to 240 homes to be constructed from a budget of £36 million funded by the Housing Revenue Account.

Phase 3 will develop the immediately available sites that are surplus to the Phase 2 requirements in addition to further sites that have been identified as becoming available over the next few years.

3 Report Implications

3.1 Resource

All the costs of employing the necessary members of staff are included in the project budgets.

3.2 Risk

A programme-wide risk register is being maintained. Site specific Risk Logs are being maintained and reviewed on a regular basis.

3.3 Single Midlothian Plan and Business Transformation

Theme addressed in this report:-

- Adult Health Care
- Sustainable Growth

3.4 Impact on Performance and Outcomes

The proposed works support the Council's Local Housing Strategy and accord with Midlothian Council's Corporate Priority; Objective 1a.

3.5 Adopting a Preventative Approach

Whilst reprogramming of the milestone dates has taken place this has been developed in a manner that avoids an extension of the project timescale.

3.6 Involving Communities and Other Stakeholders

Consultations internally and externally were carried out with all appropriate stakeholders ensuring input/comment on the proposed layouts / house types and mix. This will be repeated for the additional sites.

3.7 Ensuring Equalities

This report is not proposing any new services, policies, strategies or plans (or significant changes to or review of them) and therefore has not been assessed for equalities implications.

3.8 Supporting Sustainable Development

The new build housing programme will comply with all current building regulations and follows best practice in line with the Council's policies on the environment.

3.9 IT Issues

The use of Building Information Modelling is being utilised to deliver the projects. Models exist for the generic house types and flat types. It is proposed that these models will be used for the completion of Phase 2 and the implementation of Phase 3.

4 Recommendations

Note the content of this report and the progress made on Phases 1, 2 and 3.

Attachments:
none

08 August 2016

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