Notice of Meeting and Agenda

Midlothian

Cabinet

Venue: **Virtual Meeting,**

Date: **Tuesday, 06 September 2022**

Time: **11:00**

Executive Director : Place

Contact:

Clerk Name: Democratic Services
Clerk Telephone:
Clerk Email: democratic.services@midlothian.gov.uk

Further Information:

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

Privacy notice: Please note that this meeting may be recorded. The recording may be publicly available following the meeting. If you would like to know how Midlothian Council collects, uses and shares your personal information, please visit our website: www.midlothian.gov.uk

(A) TO CONSIDER RESOLVING TO DEAL WITH THE UNDERNOTED BUSINESS IN PRIVATE IN TERMS OF PARAGRAPHS 6, 9 AND 11 OF PART 1 OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973 - THE RELEVANT REPORTS ARE THEREFORE NOT FOR PUBLICATION; AND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.

6 Private Reports

6.1 Appointment of Chief Digital Officer - Report by Executive Director Place - (Report to Follow)

7 Date of Next Meeting

The next meeting will be held on: Tuesday 18 October 2022

Minute of Meeting

Cabinet

Date	Time	Venue
07 June 2022	11.00 am	Held via Microsoft Teams

Present:

Councillor Parry (Convener)	Councillor Alexander
Councillor Bowen	Councillor McKenzie
Councillor Scott	

Religious Representatives:

Mrs Elizabeth Morton	Ms Anne Theresa-Lawrie

Also Present:

Councillor McCall	Councillor Pottinger
Councillor Winchester	

In attendance:

Dr Grace Vickers, Chief Executive
Kevin Anderson, Executive Director Place
Fiona Robertson, Executive Director Children, Young People and Partnerships
Gary Fairley, Chief Officer Corporate Solutions
Derek Oliver, Chief Officer Place
Myra Forsyth, Quality and Scrutiny Manager
Nick Clater, Head of Adult Services
Saty Kaur, Executive Business Manager
Marco Reece-Heal, Business Analyst
Andrew Henderson, Democratic Services Officer

1   Apologies

Apologies for absence had been received on behalf Vic Bourne (Religious Representative).

2   Order of Business

The Order of Business was as detailed within the Agenda.

3   Declarations of interest

No declarations of interest were received.

4   Minutes of Previous Meetings

4.1   The Minute of the Meeting of the Cabinet held on 08 March 2022 was submitted and noted.

4.2   The Action Log of the meeting of the Cabinet held on the 08 March 2022 was submitted, in reference to action point 4, Kevin Anderson highlighted that he had not written to the Scottish Government as there had been subsequent update to the guidance for COVID self-isolation grants which had been advertised accordingly. Kevin Anderson provided a further update in relation to action point 5 highlighting that the pay award had now been applied to the hourly rate.

5.   Reports

Agenda No.	Report Title	Presented by:
5.1	Membership, Terms of Reference and Allocation of Portfolios Report by Kevin Anderson, Executive Director, Place	Executive Director: Place
Outline of report and summary of discussion		
The Executive Director: Place provided an overview of the Membership, Terms of Reference and Allocation of Portfolios Report. Councillor Parry took the opportunity to outline the Cabinet portfolios as listed in the report and continued to thank group leaders and fellow councillors for their continued work for the people of Midlothian.		
Decision		
a) Cabinet noted the membership and terms of reference. b) Cabinet confirmed the allocation of portfolios as listed in the report.		

Agenda No.	Report Title	Presented by:
5.2	Adult Health and Social Care Annual Performance Report 2021/22	Head of Adult Health and Social Care
Outline of report and summary of discussio3		
The Adult Health and Social Care Annual Performance Report 2021/22 was submitted. The Head of Adult Services Care highlighted the progress in the delivery of strategic outcomes and summary of the emerging challenges as		

detailed within and thereafter answered questions raised by Elected Members.

In response to member's questions, Derek Oliver agreed to provide an update to the relevant ward members as to the timeframe for the reopening of Gorebridge Leisure Centre and ongoing repair works.

Nick Clater agreed to provide a more specific timescale for flats being built on Bonnyrigg High Street currently scheduled for mid-2023. In reference to the ongoing review of the Justice Specific Men's service, Nick Clater also agreed to provide an update in relation to early findings. Nick Clater also agreed to provide further details in relation to the number of FTE justice service staff employed through Midlothian Council and also look to details in relation to FTE staff employed by external partners.

Decision

a)   Derek Oliver to update ward members of timeframe for repairs at Gorebridge leisure centre to ward members.

b)   Nick Clater to provide further details in relation specific timescales for flats in Bonnyrigg.

c)   Nick Clater to feedback in relation to early findings from review from the Justice Men's service.

d)   Nick Clater to provide further details in relation to the number of FTE justice service staff employed through Midlothian Council and where possible to provide details in relation to FTE staff employed by external partners.

e)   To otherwise note the contents of the report.

Agenda No.	Report Title	Presented by:
5.3	Children Services, Partnership and Communities Annual Performance Report 2021/22	Executive Director: Children, Young People and Partnerships
Outline of report and summary of discussion		

The Children's Services, Partnership and Communities Annual Performance Report 2021/22 was submitted. The Executive Director: Children, Young People and Partnerships highlighted the progress in the delivery of strategic outcomes and provided a summary of the emerging challenges as detailed within the report and thereafter answered questions raised by Elected Members.

A discussion ensued in relation to the Edinburgh Colleges decision to move ASN courses away from the Dalkeith Campus. Fiona Robertson outlined that 10 students had been impacted, that she was currently working with Edinburgh College to understand the rationale behind the move. Fiona Robertson further highlighted that she was working with local schools to arrange transportation and to explore the possibility of alternative pathways. Fiona Robertson acknowledged the cancelation of a construction course and that she was in discussions with the Edinburgh College Group in relation to possible alternatives. Fiona Robertson advised that she had reached out to Edinburgh College in relation to the curriculum and communications and that alternative options were being explored to allow Edinburgh College to use Midlothian Council facilities.

Fiona Robertson confirmed that she had spoken with a number of staff and young people as part of an evaluation of the 12 hour on, 12 hour off work pattern for Children's care staff and had received positive responses.

Decision
To note the contents of the report.

Agenda No.	Report Title	Presented by:
5.4	Corporate Solutions Annual Performance Report 2021/22	Executive Director: Place

Outline of report and summary of discussion
The Corporate Solutions Annual Performance Report 2021/22 was submitted. With reference to the slide deck, the Executive Director Place highlighted the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed within the report and made reference to Izzie Allan who had recently been recognised for her efforts in providing library Services and thereafter answered questions raised by elected members. On behalf of the administration Cllr Parry offered congratulations to Izzie Allan for her recognition. Officers then responded to points of clarity.

Kevin Anderson requested that he be provided with further details offline in relation to Midlothian residents who had not been able to register to pay council tax online so the he could track back.

A discussion ensued in relation to the Scotland Excel Framework. Gary Fairley agreed to circulate the annual highlight report to members and agreed to provide specific examples of how better value for money had been achieved. Kevin Anderson also agreed to provide figures in relation the percentage increase in procurement spend on local enterprise across 2018/19 and 2019/20.

With regard to whether housing strategy was able to match projected population increases, Kevin Anderson confirmed that there is currently a shortfall and that the local housing strategy would be set up to meet this and acknowledged that a paper would be brought to Council around October or November outlining the plan going forward. Kevin Anderson also agreed to pick up specific details in relation to Scottish Welfare Crisis grant offline.

In response to a question as to whether under 21 free bus cards could be combined with Student Cards, Kevin Anderson agreed to explore the possibility.

In relation to the number of local companies that had registered with Scotland excel, Kevin Anderson agreed to provide exact figures. Derek Oliver highlighted that the Local Procurement Strategy had also been approved which offered a further platform for local businesses.

Decision
a) Scotland Excel Highlight report to be circulated to members.
b) Figures to be provided in relation to the percentage increase in procurement spend on local enterprise across 2018/19 and 2019/20.
c) Kevin Anderson also agreed to pick up specific details in relation to Scottish Welfare Crisis grant offline.

d)   Explore the possibility of combining Under 21 free bus travel cards and Student Cards.

e)   Provision of figures in relation to the local procurement strategy.

f)   To otherwise note the content of the report.

Agenda No.	Report Title	Presented by:
5.5	Education Annual Performance Report 2021/22	Executive Director: Children, Young People and Partnerships
Outline of report and summary of discussion		
The Education, Performance Report Quarter Annual report was submitted. The Executive Director: Children, Young People and Partnerships highlighted the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed within the report and thereafter answered questions raised by Elected Members.		
Decision		
To note the contents of the report.		

12:08 Cllr Scott left the meeting

Agenda No.	Report Title	Presented by:
5.6	Place Annual Performance Report 2021/22	Executive Director: Place
Outline of report and summary of discussion		
The Place, Performance Annual Report was submitted. With reference to the slide deck included as an appendix to the report, the Executive Director: Place highlighted the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed within the report. A general discussion ensued and officers responded to points of clarity with regard to the cost of temporary accommodation in relation to personal finances, the allocation of Passivehaus sites for council housing, the bid to have a Passivehaus factory in Midlothian and the reasoning for 1% of council houses falling into disrepair. Members also took the opportunity to congratulate Derek Oliver in the awarding of the Green flag.		

In response to a question in relation to the impact of Brexit on school buildings and whether this had an impact on the delivery timescale for Beeslack High School, Kevin Anderson advised that a piece was being brought to BTSG with regard to inflationary pressures on the building estate and that a report would be submitted to June Council in relation to Beeslack high school.

With reference volume of local businesses that have been taken through as part of the local procurement aspect of the economic development service, Derek Oliver agreed to provide further feedback to ensure numbers were captured.

With regard to the average time for non-emergency repairs and how this could be brought in line with neighbouring local authorities, Derek Oliver confirmed that a paper would be submitted to BTSG and acknowledged that with regard to the review of building maintenance services that although the current year looked

poorer, COVID restrictions the year prior needed to be taken into account.

Derek Oliver provided a brief overview in relation to fleet maintenance services, making reference to staff retention and the sector wide challenges of attracting new staff in addition to further work being undertaken to ensure the hybridisation of the vehicle fleet and the upskilling of workers. Derek Oliver agreed to provide a more detailed overview to Councillor Alexander offline.

Decision

a)	Paper to be submitted to BTSG in relation to the impacts on inflationary impacts on Building estate.
b)	Paper in to be submitted to June Council in relation to Beeslack High School.
c)	Paper to be submitted to BTSG in relation to Building Maintenance Services.
d)	Derek Oliver to provide Cllr Alexander with an overview in relation to garage and the hybridisation of the vehicle fleet and upskilling of workers.
e)	To otherwise note the contents of the report.

Agenda No.	Report Title	Presented by:
5.7	Midlothian Council Annual Performance Report 2021/22	Chief Executive
Outline of report and summary of discussion		

The Chief Executive Officer was heard in amplification of the Midlothian Council Annual Performance report 2021/22. Making reference to the strategic outcomes and summary of the emerging challenges as detailed within the report and took the opportunity congratulate the cabinet on assuming their new roles.

Decision

To note the contents of the report.

Agenda No.	Report Title	Presented by:
5.8	Balanced Scorecard Indicators Annual Report 2021/22	Chief Executive
Outline of report and summary of discussion		

The Chief Executive Officer Balanced Scorecard Indicators Annual Report 2021/22. Making reference to the strategic outcomes and summary of the emerging challenges as detailed within the report and took the opportunity to thank staff for their outstanding work throughout the year.

Decision

To note the contents of the report.

6   Private Reports

No private business was discussed.

7   Date of the Next

Tuesday 6 September 2022 at 11 am.

The meeting terminated at 12:47

Action Log

Cabinet
Tuesday 6 September 2022
Item No: 4.2

Midlothian

No	Subject	Date	Action	Action Owner	Expected completion date	Comments
1	**Irrecoverable Debt Write Off**	08/03/2022	To invite the appropriate officers of City of Edinburgh Council to attend a future briefing to provide clarification on the Debt Collection process.	Chief Officer: Corporate Solutions	Ongoing	In discussion with CEC colleagues to finalise the arrangements and scheduling of a date for the briefing for Autumn of 2022.
2	**Adult Health and Social Care Annual Performance Report 2021/22**	07/06/2022	Derek Oliver to update ward members of timeframe for repairs at Gorebridge leisure centre to ward members.	Chief Officer: Place	06/09/2022	Gym fully operational. Games Hall floor has been repaired and operational for activities, with the exception of football and basketball (protective measures for air units outstanding; viewing window to be reinstated); Roof works underway (12 week period).
3	**Adult Health and Social Care Annual Performance Report 2021/22**	07/06/2022	Nick Clater to provide further details in relation specific timescales for flats in Bonnyrigg.	Head of Adult Health and Social Care	06/09/2022	Complete – Circulated 22/08/2022
4	**Adult Health and Social Care Annual Performance Report 2021/22**	07/06/2022	Nick Clater to feedback in relation to early findings from reviews from the Justice Men's service	Head of Adult Health and Social Care	06/09/2022	Complete –Circulated 22/08/2022

No	Subject	Date	Action	Action Owner	Expected completion date	Comments
5	**Adult Health and Social Care Annual Performance Report 2021/22**	07/06/2022	Nick Clater to provide further details in relation to the number of FTE justice service staff employed through Midlothian Council and where possible to provide details in relation to FTE staff employed by external partners.	Head of Adult Health and Social Care	06/09/2022	Complete –Circulated 22/08/2022
6	**Corporate Solutions Annual Performance Report 2021/22**	07/06/2022	Scotland Excel Highlight report to be circulated to members.	Chief Officer: Corporate Solutions	06/09/2022	Complete – Circulated 15/08/2022
7	**Corporate Solutions Annual Performance Report 2021/22**	07/06/2022	Figures to be provided in relation to provide figures in relation the percentage increase in procurement spend on local enterprise across 2018/19 and 2019/20.	Chief Officer: Corporate Solutions	06/09/2022	Will be covered as part of the Procurement briefing being scheduled for members for 21st September 2022
8	**Corporate Solutions Annual Performance Report 2021/22**	07/06/2022	Kevin Anderson also agreed to pick up specific details in relation to Scottish Welfare Crisis grant offline.	Executive Director: Place	06/09/2022	Complete
9	**Corporate Solutions Annual Performance Report 2021/22**	07/06/2022	Explore the possibility of combining Under 21 free bus travel cards and Student Cards.	Executive Director: Place	06/09/2022	The Young Scot Card & U21 Travel are on the same card. All info on Council website and also https://freebus.scot/how-to-apply/ https://www.midlothian.gov.uk/info/200280/travel_passes/112/bus_pa

No	Subject	Date	Action	Action Owner	Expected completion date	Comments
						ss/3

If aged16 or over and they already have a Young Scot NEC card but don't have free bus travel, the young person can add travel to the card themselves by downloading an app to their mobile phone and using the NFC technology on their phone to update the card. Guidance is here: https://freebus.scot/how-to-apply/transport-scot-pass-collect/

If they don't have a Young Scot NEC card they will need to apply for one. |
10	**Corporate Solutions Annual Performance Report 2021/22**	07/06/2022	Provision of figures in relation to the local procurement strategy.	Executive Director: Place	06/09/2022	Will be covered as part of the Procurement briefing being scheduled for members for 21st September 2022
11	**Place Annual Performance Report 2021/22**	07/06/2022	Paper to be submitted to BTSG in relation to the impacts on inflationary impacts on Building estate.	Executive Director: Place	13/06/2022	Complete
12	**Place Annual Performance Report 2021/22**	07/06/2022	Paper in to be submitted to June Council in relation to Beeslack High School.	Executive Director: Place	28/06/2022	Complete

No	Subject	Date	Action	Action Owner	Expected completion date	Comments
13	**Place Annual Performance Report 2021/22**	07/06/2022	Paper to be submitted to BTSG in relation to Building Maintenance Services.	Chief Officer: Place	13/06/2022	Complete
14	**Place Annual Performance Report 2021/22**	07/06/2022	Derek Oliver to provide Cllr Alexander with an overview in relation to garage and the hybridisation of the vehicle fleet and upskilling of workers.	Chief Officer: Place	06/09/2022	Being addressed through weekly Neighbourhood Services meetings and Neighbourhood Services Cross Party Group.

Nomination Agreement – Veterans Housing Scotland and Midlothian Council

Report by Derek Oliver, Chief Officer Place

Report for Decision

1   Recommendations

Cabinet are recommended to:
a) Agree to the proposed nomination agreement with Veterans Housing Scotland

2   Purpose of Report/Executive Summary

The purpose of this report is to seek agreement to enter into a new Nomination Agreement with Veterans Housing Scotland and Midlothian Council to provide 2 Council properties specifically for veterans on an annual basis.

Date   13 June 2022

Report Contact:
Gillian McCusker
Gillian.McCusker@midlothian.gov.uk

3   Background/Main Body of Report

3.1   Midlothian Council has a statutory responsibility to anyone threatened with or experiencing homelessness, including households experiencing domestic abuse. The Council's Housing Allocation Policy current target is to let 60% of all Council lets to homeless waiting list applicants.

3.2   A Nomination Agreement is attached for consideration (Appendix C). It is proposed 2 Midlothian Council properties would be allocated each year to households on a permanent basis using a Scottish Secure Tenancy Agreement. These households will then be supported in that property by Veterans Housing Scotland and Midlothian staff. The proposal will increase housing options for veteran households who may potentially be experiencing homelessness.

3.3   Midlothian Council and Veterans Housing Scotland will review the operation of this agreement annually.

4   Report Implications (Resource, Digital and Risk)

4.1   Resource

There is no direct financial cost to Midlothian Council, other than staff time required to develop, monitor and review the Nomination Agreement.

Midlothian Council lets approximately 400 properties per annum. The proposed Nomination Agreement would not significantly deplete this resource.

4.2   Digital

No negative impacts.

4.3   Risk

There are no significant identifiable risk associated with this project. Similar nomination arrangements have operated successfully with other local authority housing providers for a number of years.

Midlothian Council will ensure the properties subject to the proposed Nomination Agreement will be allocated on a sensitive basis.

4.4   Ensuring Equalities (if required a separate IIA must be completed)

An Equality Impact Assessment has been undertaken to take account of the needs of equality groups.

4.4   Additional Report Implications (See Appendix A)

See Appendix A

Appendices

Appendix A – Additional Report Implications
Appendix B – Background information/Links
Appendix C – Nomination Agreement
Appendix D - EQIA

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

A safe and secure home supports the ambitions of the plan to reduce economic and health inequalities.

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☐ Modern
- ☒ Sustainable
- ☐ Transformational
- ☒ Preventative
- ☐ Asset-based
- ☐ Continuous Improvement
- ☒ One size fits one
- ☐ None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☐ One Council Working with you, for you
- ☒ Preventative and Sustainable
- ☐ Efficient and Modern
- ☐ Innovative and Ambitious
- ☐ None of the above

A.4 Delivering Best Value

This approach will ensure Best Value is considered.

A.5 Involving Communities and Other Stakeholders

Discussions have been held with Veterans Housing Scotland and Midlothian Council's Housing Service.

A.6 Impact on Performance and Outcomes

It will support the Council's Local Housing Strategy Outcomes:
- Households have improved housing options across all tenures.
- Homeless households and those threatened with homelessness are able to access support and advice services.

A.7 Adopting a Preventative Approach

Continuing to take measures to increase the supply of affordable housing in Midlothian addresses the problem of large numbers of households in Midlothian living in housing need.

A.8   Supporting Sustainable Development

Significant numbers of households living in housing need impacts negatively on the community, therefore increasing housing options will ensure the well-being of, and provide a better quality of life for people living in Midlothian and will also ensure that Midlothian remains an attractive place of choice for living and working

APPENDIX B

Background Papers/Resource Links (insert applicable papers/links)

None

APPENDIX C – Nomination Agreement

NOMINATION AGREEMENT BETWEEN MIDLOTHIAN COUNCIL AND VETERANS HOUSING SCOTLAND

1.   THE AGREEMENT

This Service Level Agreement is between Midlothian Council (MC), a local authority constituted in terms of the local government (Scotland) Act 1994 and having its principal office at Midlothian House 40 – 46 Buccleuch Street Dalkeith Midlothian EH22 1DN and Veterans Housing Scotland (VHS), the operational name of The Scottish Garden City Housing Society Ltd (SGCHS) a Registered Society, Registered Number 735RS and a Scottish Charity SC 008959 and having their registered office at 525 Ferry Road, Edinburgh, EH5 2FF.

This is an Agreement covering the working relationship between Midlothian Council (the Landlord) Veterans Housing Scotland (the Support Provider) in relation to the tenancies agreed between the parties.

2.   THE PARTIES

(the Landlord)   Midlothian Council

(Landlord's address)   Midlothian House, 40 – 46 Buccleuch Street, Dalkeith Midlothian EH22 1DN

(contact for the Landlord)

(the Support Provider)   Veterans Housing Scotland

(the Support Provider's address)   525 Ferry Road, Edinburgh, EH5 2FF

(contact for the Support Provider)

3.   STATUS OF AGREEMENT

Both parties recognise that this Agreement supersedes all previous agreements between the parties, whether written or otherwise, relating to the services provided.

4.   DURATION OF AGREEMENT

Start date of the agreement will be **AWAITS** and is to be reviewed before **AWAITS**

5. ASSESSMENT AND ALLOCATIONS PROCEDURE

TWO (2) properties will be allocated per year to a veteran household who currently reside within the Midlothian Council area.

The landlord will endeavour to identify and allocate suitable accommodation in accordance with its Housing Allocation Policy, subject to the availability of appropriate accommodation.

Veterans Housing Scotland will advertise the properties on its charity website, clearly indicating Midlothian Council as the Landlord and Veterans Housing Scotland as having nominations rights for the tenants of the properties.

The Veterans Housing Scotland applications process identifies suitable applicants who will complete the Midlothian Council housing application through the Midlothian Council local housing officers.

Households will be nominated by Veterans Housing Scotland to Midlothian Council's contact person. This will include providing a completed housing application form and any other supporting information.

Subject to joint agreement around suitability, Midlothian Council will accept the Veterans Housing Scotland nominated veteran tenants.

Midlothian Council will issue a Scottish Secure Tenancy to the accepted nominated applicant.

The household will be supported by Veterans Housing Scotland and Midlothian Council as required.

Midlothian Council will inform Veterans Housing Scotland of void properties to allow Veterans Housing Scotland to nominate replacement veteran tenants as necessary to ensure use of available stock.

6. LANDLORD'S HOUSING MANAGEMENT RESPONSIBILITIES

The statutory and contractual responsibilities of the landlord are specified in the Scottish Secure Tenancy Agreement, and also detailed in the landlord's tenant handbook.

7. SUPPORT PROVIDERS RESPONSIBILITIES

The support provider shall be responsible for the provision of support/care to occupants.

The support provider shall offer up to six months support to veterans who are allocated their own tenancy. This will cover most practical problems they may have as well as helping them to settle into their community, registering with GP, school etc.

8. JOINT RESPONSIBILITIES

Subject to the agreement of the tenant (or his/her representative as appropriate) the landlord shall inform the support provider in the event of the landlord having to contact the tenant over any significant matter in relation to the tenancy.

Where necessary, standard legal procedures will be undertaken as required in housing legislation by the landlord, to comply with the Scottish Secure Tenancy Agreement. It will, however be expected that the following procedures be taken first:-

1. Landlord to contact the support provider or vice versa to discuss problems with tenancy and seek a practical and positive way forward.
2. Support provider to contact the tenant involved and negotiate with him/her, setting out the boundaries, expectations and responsibilities of a tenancy.
3. Support provider to liaise with and work with the landlord to resolve the problem(s) with the tenancy at all times.
4. It is expected that the support provider will continue to support the tenant throughout and work towards a resolution.
5. In the event a household's circumstances change and the accommodation provided is no longer deemed suitable, both parties will aim to reach an alternative sustainable housing solution.

9. EXCHANGE OF OPERATIONAL CONTACT DETAILS

The main contact for Veterans Housing Scotland is

The main contact for Midlothian Council is Claire Douglas
Claire.Douglas@midlothian.gov.uk

10. INFORMATION EXCHANGE

Information about the tenant will be exchanged only (a) where either party has significant concerns about the tenant's ability to maintain the tenancy and (b) the consent of the tenant has been obtained.

Within their respective organisations both parties will treat such information in the strictest confidence, on a "need to know" basis. The information will be considered as "Restricted" and only shared with the agreement of the owner or donor.

11. DATA PROTECTION

11.1 Compliance with the Data Protection Legislation

The Landlord and the Support Provider agree that Personal Data used under this agreement shall be processed in accordance with Data Protection Legislation. Data Protection Legislation means , the UK GDPR, the Data Protection Act 2018, the Privacy and Electronic Communications (EC Directive) Regulations 2003 and any other applicable laws and regulations relating to the privacy or the processing of personal data, including any amendments or successor laws or regulations thereto.

11.2 Compliance with the Data Protection Principles

Save to the extent that an exemption applies to limit or exclude any of them, compliance with the Data Protection Legislation shall include (but is not limited to) compliance with the Data Protection Principles as described in Article 5 of the UK GDPR.

11.3 Data Controllers

Both the Landlord and the Support Provider are independent Data Controllers for the use of the data. No controller-processor or joint-controller relationship will apply.

12. DISPUTES

In the event of any dispute arising in relation to the operation of this Nomination Agreement, the matter shall first be referred to the representatives of the parties. In the absence of a satisfactory resolution, the matter will be referred to the parties' respective Management Committees and, if necessary, to an independent arbiter to be agreed by both parties.

13. LIAISON MEETINGS

Quarterly liaison meetings will be held at a time and date agreed by the parties.

14. REVIEWING THE AGREEMENT

The agreement will be reviewed annually. On or around the review date, the parties will meet to review the operation of the Nomination Agreement.

15. TERMINATING THE AGREEMENT

This Agreement terminates by default if (a) if the landlord, being a registered social landlord, ceases to be registered with the Scottish Housing Regulator, or (b) the landlord ceases to own the properties which are the subject of this Agreement.

16.   SIGNATURES

Signed on behalf of Midlothian Council by:

(signature)

(printed name)

Date:

Signed on behalf of Veterans Housing Scotland by:

(signature)

(printed name)

Date:

Integrated Impact Assessment Form

Promoting Equality, Human Rights and Sustainability

Title of Policy/ Proposal	Nominations Agreement – Housing Veterans Scotland
Completion Date	May 2022
Completed by	Gillian McCusker
Lead officer	Gillian McCusker

Type of Initiative:

Policy/Strategy

Programme/Plan   New

Project   New agreement

Service   Nominations Agreement for the allocation of Midlothian Housing Stock

Function   Other

Statement of Intent

1

1. Briefly describe the policy/proposal you are assessing.

Set out a clear understanding of the purpose of the policy being developed or reviewed (e.g. objectives, aims) including the context within which it will operate.

Midlothian's Housing Allocation Policy sets out the policy which determines how all Midlothian Council's housing stock is let to housing applicants.

There are three key pieces of legislation which Registered Social Landlords must comply with when operating a Housing Allocation Policy, the Housing (Scotland) Acts of 1987, 2001 and 2014. The Housing (Scotland) Act 2014 requires that social landlords give reasonable preference to:

- People who are homeless or are threatened with homelessness and who have unmet housing needs;
- People who live in unsatisfactory housing conditions and who have unmet housing needs; and
- Social housing tenants who are considered to be under-occupying their home.

Midlothian Council has existing nominations agreements in place with other organisations, namely Women's Aid, and National Housing Project. This allows flexibility within the policy to support some of Midlothian's most vulnerable households. Midlothian has been approached by Veterans Housing Scotland to provide a small number of properties to veterans in Midlothian as part of a new nominations agreement. A number of neighbouring authorities currently participate in a similar scheme.

What will change as a result of this policy?

The nominations agreements will remove 2 Council properties per year from the existing letting pool.

These properties will be ring fenced to veterans who will be identified by Veterans Housing Scotland under the nominations agreement.

2. Do I need to undertake a Combined Impact Assessment?

High Relevance	Yes/no

2

The policy/ proposal has consequences for or affects people	Yes
The policy/proposal has potential to make a significant impact on equality	No
The policy/ proposal has the potential to make a significant impact on the economy and the delivery of economic outcomes	No
The policy/proposal is likely to have a significant environmental impact	No
Low Relevance	
The policy/proposal has little relevance to equality	No
The policy/proposal has negligible impact on the economy	Yes
The policy/proposal has no/ minimal impact on the environment	Yes
If you have identified low relevance please give a brief description of your reasoning here and send it to your Head of Service to record. N/A **If you have answered yes to high relevance above, please proceed to complete the Integrated Impact Assessment.**	

3. What information/data/ consultation have you used to inform the policy to date?

Evidence	Comments: what does the evidence tell you?
Data on populations in need	- The need for social rented housing in Midlothian continues to grow with over 4000 applicants on the Housing List.
Data on service uptake/access	- A range of data is published on lettings analysis and equalities groups. Which provide information on who is accessing services and those groups potentially not aware of how to access services due to low levels of uptake being identified.
Data on quality/outcomes	- Regular Tenant Satisfaction Surveys are conducted and published and Reports on Data

3

	Indicators are published. This provides information areas of satisfaction levels and areas for future improvement.
Research/literature evidence	- Periodic Housing Need and Demand Assessments are undertaken for Midlothian and the SESplan Area. This information allows the service to respond and plan its services for the future needs of the community.
Service user experience information	- Consultation Report published. - Midlothian Tenant Panel involved in consultation process. - This information allows the service to respond and plan its services for the future needs of the community.
Consultation **and involvement** findings	This information allows the service to respond and plan its services for the future needs of the community.
Good practice guidelines	- Scottish Government Code of Practice sets out key features of the Allocation Policy. - Supporting documents - Social housing allocations in Scotland: practice guide - gov.scot
Other (please specify)	N/A
Is any further information required? How will you gather this?	N/A

4. **How does the policy meet the different needs of and impact on groups in the community?**

Equality Groups	Comments – positive/ negative impact
Older people, people in the middle years,	Older people are often able to access specifically for their needs such as extra care and amenity housing. The nominations agreement will

4

	have a positive impact on this group.
Young people and children	It is recognised that the allocation of social rented housing can alleviate instances of child poverty as household expenditure is often reduced for families moving into accommodation. In addition, children and young people may be given additional priority if they have medical needs or to help alleviate poor housing circumstances such as overcrowding. The nominations agreement will have a positive impact on this group.
Women, men and transgender people (includes issues relating to pregnancy and maternity)	The Councils Housing Allocation accords with Equally Safe: Scotland's Strategy to prevent and eradicate violence against women and girls to ensure housing interventions are early and effective, preventing violence and maximising the safety and wellbeing of women, children and young people. The nominations agreement will have a positive impact on this group.
Disabled people (included physical disability; learning disability; sensory Impairment; long term medical conditions; mental health problem)	The Housing Service develops and maintains housing stock which caters for a wide range of health needs. Applicants with medical needs are given additional priority if moving to another property would be better suited to their needs. The nominations agreement will have a positive impact on this group.
Minority ethnic people (includes Gypsy/Travellers migrant workers non-English	The nominations agreement works upon a groups and points system and will allocate points based on individual

5

	circumstances and not on the basis of ethnicity.
Refugees and asylum seekers	Specific legislation relates to housing allocations to refugees and asylum seekers.
People with different religions or beliefs (included people with no religion or belief.	The nominations agreement will ensure properties are allocated based on individual circumstances and not on the basis of religious belief.
Lesbian; gay bisexual and heterosexual people	The nominations agreement will ensure properties are allocated based on individual circumstances and not on the basis of sexual orientation.
People who are unmarried; married or in a civil partnership	The nominations agreement will ensure properties are allocated based on individual circumstances and not on the basis of marital status.
Those vulnerable to falling into poverty	
Unemployed	Income is not taken into account as part of the nominations agreement
People on Benefits	
Single Parents and vulnerable families	The nominations agreement will ensure properties are allocated based on individual circumstances and not on the basis of the groups noted here.
Pensioners	
Looked after Children	
Those leaving care settings ((including children and young people and those with illness)	
Homeless People	Given the low level of properties being provided as part of this nominations agreement it is not considered this will have a significant impact on outcomes for homeless applicants.

6

	The nominations agreement will provide a direct route potentially away from homelessness for a small number of veterans and will have a positive impact on this group.
Carers (including young carers)	The nominations agreement will prioritise households who have difficult housing circumstances and potentially living in/or at risk of poverty. The nominations agreement will have a positive impact on this group.
Those involved in the criminal justice system	
Those living in the most deprived communities (bottom 20% SIMD areas)	
People misusing services	Fraudulent information could lead to a tenancy being terminated.
People with low literacy/numeracy	Housing support will be provided by Housing Veterans Scotland to households who need this to live independently.
Others e.g. veterans, students	Specific measures support veterans who are given priority for housing.
Geographical Communities	
Rural/ semi-rural Communities	Most social rented housing is not located in rural or semi rural communities in Midlothian. nominations will not be specific to rural or semi-rural communities and will be based on the availability and suitability of stock.
Urban Communities	Most social rented housing is located in urban communities in Midlothian nominations will not be specific to urban communities and will be based on the availability and suitability

	of stock
Costal Communities	N/A

5. Are there any other factors which will affect the way this policy impacts on the community or staff groups?

Not applicable

6. Is any part of this policy/ service to be carried out wholly or partly by contractors?
   If yes, how have you included equality and human rights considerations into the contract?

Nominations will be made by Veterans Housing Scotland. Considerations on equalities have been included in the contract agreement.

7. Have you considered how you will communicate information about this policy or policy change to those affected e.g. to those with hearing loss, speech impairment or English as a second language?

Veterans Housing Scotland will ensure via their communication channels that veterans accessing their services area aware of the nomination opportunities. Which will include alternative formats if required.

8. Please consider how your policy will impact on each of the following?

Objectives Equality and Human Rights	Comments
Promotes / advances equality of opportunity e.g. improves access to and quality of services, status	The Nominations Agreement should lead to an increase in available lets to Veterans
Promotes good relations within and between people with protected characteristics and tackles harassment	There are specific points with the Councils overarching Allocations Policy to equality groups if they are victimised

8

	or harassed.
Promotes participation, inclusion, dignity and self- control over decisions	Applicants will be aware of the specific property for which the nomination relates. They will be consulted on their suitability and provided with full information on the property and how it meets their needs before any decision is required by the applicant.
Builds family support networks, resilience and community capacity	Additional points can be awarded in order to provide or receive support.
Reduces crime and fear of crime	The overarching housing allocation policy promotes safer, sustainable communities.
Promotes healthier lifestyles including Diet and nutrition Sexual Heath Substance Misuse Exercise and physical activity Life Skills	Poor housing conditions, including homelessness, are linked to poorer health circumstances for households. Housing provided by the Council would be of good condition and on a permanent basis.
Environmental	
Reduce greenhouse gas (GHG) emissions in Midlothian (including carbon management)	N/A
Plan for future climate change	N/A
Pollution: air/ water/ soil/ noise	N/A
Protect coastal and inland waters	N/A
Enhance biodiversity	N/A
Public Safety: Minimise waste generation/ infection control/ accidental injury /fire risk	N/A
Reduce need to travel / promote sustainable forms or transport	N/A
Improves the physical environment e.g. housing quality, public and green space	N/A
Economic	
Maximises income and /or reduces income inequality	Income is maximised for many tenants who pay the lower housing costs as a result of being allocated a tenancy.

9

Helps young people into positive destinations	Access to suitable housing can improve health, wellbeing and employment prospects.
Supports local business	N/A
Helps people to access jobs (both paid and unpaid)	N/A
Improving literacy and numeracy	N/A
Improves working conditions, including equal pay	N/A
Improves local employment opportunities	N/A

9. Is the policy a qualifying Policy, Programme or Strategy as defined by The Environmental Impact Assessment (Scotland) Act 2005?

N/A

10. Action Plan

Identified negative impact	Mitigating circumstances	Mitigating actions	Timeline	Responsible person

11. Sign off by Chief Officer

Signature

Name

Date

10

Rapid Rehousing Transition Plan – Youth Homeless Prevention and Support Service

Report by Kevin Anderson, Executive Director Place

Report for Decision

1 Recommendations

It is recommended that Cabinet:

a) Approve the procurement and development of a Youth Homeless Prevention and Support Service
b) Approve the funding of the Youth Homeless Prevention and Support Service from Midlothian's allocation of the Scottish Government's Ending Homelessness Together Fund

2 Purpose of Report/Executive Summary

This report outlines the proposal of a pilot Youth Homeless Prevention and Support Service as part of Midlothian Council's Rapid Rehousing Transition Plan (RRTP).

The objective of this service would be to prevent youth homelessness by supporting young people to remain in their current accommodation, or secure alternative accommodation as part of a planned move.

Where this is not possible young people would be supported through their homeless journey and into permanent accommodation. Support would also be available to Midlothian Council tenants at risk of eviction due to rent arrears or other breaches of their tenancy agreement to prevent recurring homelessness.

Date 14 July 2022

Report Contact:
Matthew McGlone
07785 440478
matthew.mcglone@midlothian.gov.uk

3 Background/Main Body of Report

3.1 Following the recommendations of the Homelessness and Rough Sleeping Action Group the Scottish Government published its Ending Homelessness Together: High Level Action Plan. This included a commitment to develop preventative pathways for those groups at highest risk of rough sleeping and homelessness. This resulted in the Away Home Scotland coalition developing two pathways - Youth Homeless Prevention Pathway: Improving care leavers housing pathways, and Youth Homeless Prevention Pathway: For all young people.

3.2 The High Level Action Plan contained a further action specifically relating to youth homelessness – *'We will ensure a clear, effective focus on preventing and responding effectively to youth homelessness'.* This requires that Rapid Rehousing Transition Plans (RRTPs) respond to the needs of young people experiencing homelessness, including the planning and development of pathways and a range of affordable housing options and associated supports for young people.

3.3 As part of its RRTP Midlothian Council has committed to focus on activities which seek to further reduce the number of homeless applications made and the amount of time people spend in temporary accommodation before securing permanent housing. The RRTP has a clear emphasis on the prevention of homelessness, tenancy sustainment and early intervention.

3.4 The Youth Homeless Prevention Pathway highlighted that young people across Scotland are disproportionally represented in the homeless system. 16-24 year olds account for just 12% of the population, but comprising nearly 25% of homeless applicants. This disproportionality is further highlighted in Midlothian. According to National Records Scotland 16-24 year olds account for 9.2% of the population of Midlothian. In 2020/21 34.5% of homeless applications received by Midlothian Council were from 16-25 year olds.

3.5 A snapshot of open homeless cases was taken in August 2021:

- 57% of young people were made homeless as a result of being asked to leave by parents/relatives. 67% went on to access temporary accommodation.

- When reviewing these cases officers believe 70% would benefit from some level of support. Those aged 21 or under were more likely to be in need of support to successfully setup/sustain a tenancy.

3.6 The range of housing options available to young people, without dependent children, are very limited. In Midlothian, the majority of households under the age of 35 only receive a limited amount of assistance with housing costs in the private rented sector (the same restrictions apply to mid-market properties) and most Housing Associations in the area do not under occupy accommodation i.e. they will not allocate a 2 bedroom property to households without children. For many this will mean the only realistic housing option for young homeless people in Midlothian is the Council's housing stock.

3.7   As a result of the limited alternative options available it is important this vulnerable group are provided with as many opportunities to prevent homelessness as possible, and where this is not possible they are supported to establish sustainable tenancies to prevent future/recurring homelessness.

3.8   The Scottish Government supports local authorities in the delivery of their RRTP through its Ending Homelessness Together Fund. Local Authorities are required to submit an activity and spend monitoring report to the Scottish Government each year. As part of this report Councils are required to provide an update on the projects funded, and the transformative nature of the project. Therefore it is important any initiatives which utilise this funding are not just a 'copy and paste' of existing services.

3.9   A specialised Youth Homeless Support and Prevention Service would ensure young people at risk of homelessness in Midlothian are supported to remain in their current accommodation, or where this is not possible support people to move into accommodation in a planned way. The proposed scope of the new service includes the provision of:

- **All aspects of a traditional housing support service** - in addition to young people assessed as being homeless the service would also be available to those at risk of becoming homeless. This includes those who may be referred by other agencies through the forthcoming homeless prevention duty.

- **A single point of contact for those being supported by the service** - it is likely that for many young people presenting for homeless assistance will be their first experience of approaching this type of service. Others may have a negative experience of previous involvement with council services. The service would provide a single point of contact for young people in regard to housing and homeless applications.

- **Support beyond general settling in and pre-tenancy** – develop close links with services such as Communities, Lifelong Learning and Employability, Skills Development Scotland and local colleges. Actively supporting service users to engage with opportunities these services can provide further increases the chances of successful tenancy sustainment, builds sustainable communities and reduces the number of young people on low incomes.

- **Mediation** - this would be offered, where appropriate, to help young people remain in their current accommodation, either on a long term basis or until such time a planned move into settled accommodation is facilitated. This would also be offered to people who are homeless to help build supportive relationships with family members - these relationships can further aid successful tenancy sustainment by provided positive supportive relationships in the local community.

- **Support to young tenants at risk of losing their Midlothian Council tenancy** - adopting an early intervention approach to support people to address issues before escalation to court action

- **Peer support/mentoring during the contract to further enhance tenancy sustainment** - providing the opportunity for young people to become mentors will lead to further opportunities for personal development and building sustainable communities.

3.10   It is proposed that at launch the service would be accessible to all 16-21 year olds. As the service becomes more established and wider capacity is known this would be expanded to those in the 22-25 age group who are identified as most likely to benefit from the supports provided.

3.11   To ensure sufficient capacity within the service it is proposed that any service procured provides three full time members of staff. This will ensure continuity of service during periods of annual leave and other potential staff absences.

3.12   It is widely reported that many organisations who provide support services are experiencing difficulties with staff retention. To help prevent this becoming an issue it is proposed the service is procured for an initial 2 year period, with an option to extend the contract for a further two years on an annual basis. This would also help to attract the interest of organisations that have experience of delivering services that specialise in supporting young people.

3.13   The cost of procuring a service with the scope and capacity as detailed above is estimated to be approximately £100,000 per annum. This initial £200,000 to fund a service for two years can be met from Scottish Government's funding already received by Midlothian Council through the Ending Homelessness Together Fund, with no additional burden on other budgets.

4   Report Implications (Resource, Digital and Risk)

4.1   Resource

The cost associated with setting up this project and operating as a two year pilot can be met through funding already received from the Scottish Government's Ending Homelessness Together Fund.

4.2   Digital

There are no IT issues for staff from Midlothian Council. It is proposed that support workers have some access to appropriate modules of CAPITA housing including, homelessness, housing advice, application and tenancy basic. This type of access has previously been provided to support workers from the existing tenancy support service who were embedded within the homelessness team

4.3   Risk

There is a risk of negative scrutiny from external agencies such as the Scottish Government and interested third sector organisations if the Council is not seen to be addressing the needs of vulnerable groups such as young people as part of their RRTP activities.

4.4   Ensuring Equalities (if required a separate IIA must be completed)

Social landlords perform all aspects of their housing services so that every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.

An Integrated Impact Assessment was undertaken as part of the Rapid Rehousing Transition Plan ensuring all actions have taken account of the needs of equality groups in relation to homelessness. A further Integrated Impact Assessment has been completed when developing the Youth Homeless Prevention and Support Service.

4.4   Additional Report Implications (See Appendix A)

See Appendix A

Appendices

Appendix A – Additional Report Implications
Appendix B – Background information/Links
Appendix C – Integrated Impact Assessment

APPENDIX A – Report Implications

A.1   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:

- Reducing inequalities in the health of our population
- Reducing inequalities in the outcomes of learning in our population
- Reducing inequalities in the economic circumstances of our population

The themes addressed in this report impact on the delivery of the Single Midlothian Plan. Particularly in relation to the delivery of affordable housing, homelessness, health and social care, improved economic outcomes and creating sustainable communities.

A.2   Key Drivers for Change

Key drivers addressed in this report:

☒ Holistic Working
☐ Hub and Spoke
☒ Modern
☒ Sustainable
☒ Transformational
☒ Preventative
☐ Asset-based
☒ Continuous Improvement
☒ One size fits one
☐ None of the above

A.3   Key Delivery Streams

Key delivery streams addressed in this report:

☐ One Council Working with you, for you
☒ Preventative and Sustainable
☐ Efficient and Modern
☒ Innovative and Ambitious
☐ None of the above

A.4   Delivering Best Value

The service will be procured and Best Value will be adhered to during this process.

A.5   Involving Communities and Other Stakeholders

Stakeholders including Midlothian Tenants Panel, Midlothian Health and Social Care Partnership, and voluntary organisations have all previously expressed support for the aims of Midlothian Council's Rapid Rehousing Transition Plan, including the prevention of homelessness. The revised RRTP is also submitted for approval by elected members on an annual basis following submission to the Scottish Government.

Officers have also met with organisations with expertise in supporting young homeless people and East Housing Hub Partners who have or are developing similar services. Their feedback and learning has factored into the service being proposed for Midlothian.

Officers have consulted with young people currently in the homeless system in Midlothian. The responses to the recommendations of the Youth Homeless Prevention Pathway were overwhelmingly positive. Those young people who were not care leavers or have been on the fringes of care felt the types of assistance being discussed would be of great benefit as they do not receive the same support from social work as care leavers.

A.6   Impact on Performance and Outcomes

Providing a support service for young homeless people will have a positive impact across a range of areas including:

- Reducing the number of young people who become homeless
- Reducing the negative impact of homelessness on a person's wider social needs
- Reducing the number of young people who require emergency/temporary accommodation
- Reducing the overall number of people on the homeless list
- Improving the opportunity for households to access alternative housing options to homelessness
- Improving wider outcomes for young people in Midlothian such as health and economic outcomes
- Reducing inequalities experienced by young homeless people, including those related to health, education, and employment
- Improving tenancy sustainment, and reducing the number of people in rent arrears, ensuring the council provides best value to tenants.

A.7   Adopting a Preventative Approach

Addressing the needs of young homeless people at the earliest opportunity will assist in moving the balance of services and resources into preventing the need for longer term or future crisis support.

A.8   Supporting Sustainable Development

Providing preventative support to young homeless people will support the long term development of sustainable communities in Midlothian.

This is achieved by helping people remain in their current accommodation, reducing the need to move to emergency accommodation, and other moves resulting from homelessness.

This is further enhanced by assisting people to establish supportive relationships in the community, and improve education and employment outcomes.

APPENDIX B

Background Papers/Resource Links (insert applicable papers/links)

None

Integrated Impact Assessment Form

Promoting Equality, Human Rights and Sustainability

Title of Policy/ Proposal	Youth Homeless Support and Prevention Service
Completion Date	July 2021
Completed by	Matthew McGlone
Lead officer	Matthew McGlone

Type of Initiative:

Policy/Strategy

Programme/Plan   Updated

Project   Updated

Service   Existing

Function   Other

Statement of Intent

1

1. Briefly describe the policy/proposal you are assessing.

Set out a clear understanding of the purpose of the policy being developed or reviewed (e.g. objectives, aims) including the context within which it will operate.

Following the publication of its Ending Homelessness Together Action Plan the Scottish Government commissioned the Away Home Scotland Coalition to develop two homeless pathways, The Youth Homeless Prevention Pathway for care leavers (2019), and the Youth Homeless Prevention Pathway for all young people (2021).

This second pathway made several recommendations to address youth homelessness, using a five-tier prevention model, including:

- Universal prevention – Timely support for all about housing and financial issues: All services should be trauma informed, establishing one point of contact for young people with housing, welfare, employment advice, youth work and support available, and establishing school and youth programmes to provide universal information relating to housing rights, processes and responsibilities.

- Targeted prevention – better identifying those at risk and providing early interventions: Training delivered to youth workers, community workers and teachers. Ensuring young people are able to access relationship services such as mediation, mentoring and befriending. Consistent use of GIRFEC approaches. Routine collection of equalities data, so future changes to policy and practice can be fully informed.

- Crisis prevention – effective interventions and advice to resolve crisis: Identify systems and services that need to be changed or adopted to meet the needs of young people. Develop systems for discharge planning to ensure no young person is discharged from public services (Justice, Health or Care) into homelessness.

- Emergency – accommodation and support targeted at helping people to exit homelessness rapidly: Increase access to appropriate and affordable accommodation. Housing options available to young people should reflect those of their non-homeless peers.

- Recovery & housing stability – longer term support to sustain independent living: Youth housing services should be planned, commissioned and delivered by housing departments in partnership with other agencies i.e. social work. Support should enable young people to develop the skills required to live independently and seek apprenticeships and employment. Housing options should be affordable with strong security of tenure, to enable young people to maintain education or employment.

2

The Youth Homelessness Support and Prevention service will help Midlothian Council take forward many of the recommendations of the Youth Homelessness Prevention Pathway. Either by providing a new services to young people who are homeless or at risk of becoming homeless in Midlothian, or by complementing those already delivered by other agencies/departments. The service will strive to achieve a wide range of improved outcomes for young people including those related to housing, health, education and employment.

What will change as a result of this policy?

The introduction of a Youth Homeless Support and Prevention Service will see several changes to how youth homelessness is responded to in Midlothian including:

- Providing young people supported by the service with a single point of contact for all aspects of their journey through the homeless process.

- Providing young people and their families with the opportunity to engage with family mediation. Preventing youth homelessness from occurring, enabling and supporting young people with planned moves into suitable alternative accommodation. Mediation will also be offered to young people and their families where homeless cannot be prevented to help build supportive relationships in the community that can further enhance tenancy sustainment.

- Ensuring young people are provided with support, specific to their individual needs that is delivered from a trauma informed perspective. Young people will be able to access the support timeously regardless of household composition and accommodation type.

- Young people will be provided with support that seeks to develop the skills required to successfully sustain their own tenancy. The support provided will go beyond simple pre-tenancy/settling in support at the start of the tenancy, by actively supporting young people to engage with services that focus on employability, education and training.

2. Do I need to undertake a Combined Impact Assessment?

High Relevance	Yes/no
The policy/ proposal has consequences for or affects people	Yes

3

The policy/proposal has potential to make a significant impact on equality	Yes
The policy/ proposal has the potential to make a significant impact on the economy and the delivery of economic outcomes	No
The policy/proposal is likely to have a significant environmental impact	No
Low Relevance	
The policy/proposal has little relevance to equality	No
The policy/proposal has negligible impact on the economy	Yes
The policy/proposal has no/ minimal impact on the environment	Yes
If you have identified low relevance please give a brief description of your reasoning here and send it to your Head of Service to record. N/A **If you have answered yes to high relevance above, please proceed to complete the Integrated Impact Assessment.** Completed	

3. **What information/data/ consultation have you used to inform the policy to date?**

Evidence	Comments: what does the evidence tell you?
Data on populations in need	- The need for social rented housing in Midlothian continues to grow with over 4,400 applicants on the Housing List. - According to National Records Scotland 16-24 year olds account for 9.2% of the population in Midlothian, compared to 12% of the population of Scotland. - 16-25 year olds are more likely to become homeless in Midlothian. In 2020/21 just under 25% of homeless applications in Scotland were from people aged 16-25. In Midlothian this age group accounted for 34.5% of the applications

4

	received during the same period.
Data on service uptake/access	A snapshot of open homeless cases taken in August 2021 found the following: • 30% of open cases were aged 25 or under. • 58% of those under the age of 25 were in temporary accommodation. • The majority of homeless applicants under the age of 25 were female. • 57% of those aged 25 or under were made homeless as a result of being asked to leave by parents, family or friends. • Only 37% of single female applicants aged 25 or under had accessed temporary accommodation compared to 57% of single male of the same age. • It was estimated that 70% of open cases under the age of 25 would benefit from some form of support to establish their tenancy. Almost all under the age of 22 were considered to be in need of some support. • 43 current Midlothian Council tenants aged 25 or under were found to be in arrears exceeding 1 months' rent (19 between1 and 2 months arrears, 15 between 3 and 6 months and 9 with arrears exceeding 6 months)
Data on quality/outcomes	- A range of data is published relating to outcomes for homeless households, and those who are provided with housing options advice. - Homelessness statistics - gov.scot (www.gov.scot)
Research/literature evidence	- Midlothian Council Area Profile (nrscotland.gov.uk) - Housing statistics: Stock by tenure - gov.scot

5

	(www.gov.scot)
	- SES Regional Planning
	- Strategic Housing Investment Plans (SHIP) | (midlothian.gov.uk)
	- Midlothian Local Housing Strategy 2021-2026
	- The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020 (legislation.gov.uk)
	- Ending homelessness together: updated action plan - October 2020 - gov.scot (www.gov.scot)
	- Improving housing outcomes for women and children experiencing domestic abuse (cih.org)
	- Housing-First-National-Framework
	- Homelessness statistics - gov.scot (www.gov.scot)
	- Midlothian Council | Scottish Housing Regulator
	- Integration Joint Board - Health and Social Care | (midlothian.gov.uk)
	- Youth Homelessness Prevention Pathway - For all young people
Service user experience information	- We consult with Tenant Panels, internal and external partners and other service users when developing individual RRTP activities. - A separate consultation exercise was under taken to seek the views of young homeless people to ensure the views of those with lived experience were taken into consideration when developing the proposed Youth Homeless Support and Prevention Service.
Consultation **and**	Midlothian Council has sought the views of young

6

involvement findings	people with experience of the homeless system in relation to the recommendations of the Youth Homeless Prevention Pathway and the activities being considered as part of the Youth Homeless Support and Prevention Service.
	The young people who participated in this exercise were welcoming and supportive of the measures being considered. Many could see how such a service would have potentially benefitted them directly if they had been made available. While some could not see any direct benefits to their own situation they could see how other young people would benefit.
	All participants felt a specialist service to meet the specific needs of young people would improve their journey through the homeless system. Many of the participants advised of the need to ensure staff were fully trained to support people living with trauma.
	Many of the participants advised they would also welcome support continuing for a time to help establish a more settled way of life after housing is secured, including help to access training and employment opportunities.
Good practice guidelines	- [Social housing allocations in Scotland: practice guide - gov.scot (www.gov.scot)](www.gov.scot) - [Homelessness: code of guidance - gov.scot (www.gov.scot)](www.gov.scot) - [Housing Options guidance - gov.scot (www.gov.scot)](www.gov.scot) - Housing-First-National-Framework - [Youth Homelessness Prevention Pathway - For all young people](Youth Homelessness Prevention Pathway)
Other (please specify)	N/A
Is any further information required? How will you gather this?	N/A

7

4. How does the policy meet the different needs of and impact on groups in the community?

Equality Groups	Comments – positive/ negative impact
Older people, people in the middle years,	People from older and middle year age groups will not directly be provided support offered by the Youth Homeless Support and Prevention service. This group will still benefit from the positive outcomes the service aims to achieve including building positive supportive relationships by offering mediation to young people and their families. There will be no adverse impact to housing/homeless applications from other age groups as the housing allocations policy shall remain unchanged.
Young people and children	The Youth Homeless Support and Prevention Service is specifically intended to meet the needs of young people. The service will initially focus on supporting those aged 21 and under with people aged 22-25 being offered support as the service develops and capacity allows. Introducing this type of service will provide an opportunity for improved outcomes across a range of areas including: • Improved tenancy sustainment • Improved health outcomes • Improved opportunities to access education/training/employ

8

	ment
	• Reducing homelessness The service will be accessible to all households who satisfy the age criteria, regardless of composition including those with a pregnant person or dependant children.
Women, men and transgender people (includes issues relating to pregnancy and maternity)	The activities undertaken and support provided by the Youth Homeless Prevention and Support provided by the Youth Homeless Prevention and Support service will be completed in accordance with Equally Safe: Scotland's Strategy to prevent and eradicate violence against women and girls. People accessing the service will be provided with support that is tailored to their needs including those relating to their gender. It will be a requirement of the service for support plans to be delivered from a trauma informed perspective. Women and transgender people will be provided with support that takes into account their specific needs. Services such as medication will only be offered where it is appropriate to do so, to ensure people are not inadvertently compelled to continue to reside in or return to accommodation where they are at risk of further domestic abuse.
Disabled people (included physical disability; learning disability; sensory Impairment; long term medical conditions; mental health problem)	The Youth Homeless Prevention and Support Service will be available to all young homeless people regardless of disability. A person centred approach will be taken to the development of support plans. Support plans will ensure the needs, and wishes of the individual are taken into consideration with an emphasis

9

	on the persons strengths.
	People with additional needs relating to any medical condition will be supported to access and actively engage specialist services to achieve positive outcomes.
Minority ethnic people (includes Gypsy/Travellers migrant workers non-English	The Youth Homeless Prevention and Support Service will be accessible to all young people who are homeless or at risk of becoming homeless regardless of their ethnicity.
	Support plans will be required to fully take into consideration the specific needs of individuals relating to their ethnicity.
Refugees and asylum seekers	Specific legislation relates to the provision of housing advice and homeless assistance to asylum seekers.
	Those granted refugee status are able to access services on the same basis as anyone else with a legal right to reside in the UK.
	Any persons not eligible for assistance from publically funded services as a result of their immigration status will be directed to specialist support services.
People with different religions or beliefs (included people with no religion or belief.	The Youth Homeless Prevention and Support Service will be accessible to all young people who are homeless or at risk of becoming homeless.
	Support plans will be required fully take into consideration the specific needs of individuals relating to their religion or beliefs.
	Service users will not be required

	to engage with any aspect of the service that may put them at risk as a result of their religion or beliefs. Included mediation where this would put some at risk of abuse or violence due to their beliefs.
Lesbian; gay bisexual and heterosexual people	The Youth Homeless Prevention and Support Service will be accessible to all young people who are homeless or at risk of becoming homeless. Support plans will be required fully take into consideration the specific needs of individuals relating to religion or beliefs. Service users will not be required to engage with any aspect of the service that may put them at risk as a result of their sexual orientation. Included mediation where this would put some at risk of abuse, or cause accidental or unwanted outing.
People who are unmarried; married or in a civil partnership	The service will be accessible to all young people who are homeless or at risk of becoming homeless regardless of marital status.
Those vulnerable to falling into poverty	
Unemployed People on Benefits	The Youth Homeless Prevention and Support service will be expected to deliver additional support to enable service users to access training education/employment opportunities. Service users will be provided with support related to income maximisation including budgeting,

11

	claiming/applying for all benefits they may be entitled too.
Single Parents and vulnerable families	Pensioners will not directly be able to access the service. This group may still realise positive outcomes through some elements of the support provided including family mediation.
Pensioners	
Looked after Children	
Those leaving care settings (including children and young people and those with illness)	The service will be available all young people who are homeless or at risk of becoming homeless in Midlothian. This will include who have previously been looked after in care, and those who have previously been on the fringes of being looked after who may not have the same level of support provided by statutory services.
Homeless People	The primary intention of the Youth Homeless Prevention and Support service is to prevent homelessness from occurring wherever possible by helping people remain in their existing accommodation or supporting them to move into settled accommodation in a planned way avoiding the need for temporary accommodation. Where homelessness cannot be prevented people will be provided with support tailored to their needs throughout their journey through the homeless system until permanently housed. Support will continue to be provided beyond a person moving into their home to prevent recurring homelessness.
Carers (including young carers)	The Youth Homelessness Support and Prevention Service
Those involved in the criminal	

justice system	will provide support to young people, including young carers to help prevent homelessness.
Those living in the most deprived communities (bottom 20% SIMD areas)	The service will provide support to young people currently involved with, or with previous experience of the criminal justice system, working closely with agencies such as social work, to improve engagement and reduce instances of reoffending.
	Supporting young people to engage with education/training and employment opportunities and helping to develop supportive relationships in the community will help achieve positive outcomes for those at risk of entering the justice system.
	The service will work with those living in deprived communities to improve outcomes and support the development of sustainable communities. Providing young people including those who have multiple/additional support needs with the skills necessary to live independently and thrive in their local community.
People misusing services	The Housing Allocations Policy includes provision to terminate a tenancy should fraudulent information be provided when during the application process.
People with low literacy/numeracy	People who have additional needs relating to low literacy/numeracy will be provided with support to ensure those needs are met.
Others e.g. veterans, students	Support provided by the Youth Homeless Prevention and Support service will be tailored

	the needs of the individual, including those that may be specific to groups such as veterans and students.
Geographical Communities	
Rural/ semi-rural Communities	The provision of a Youth Homeless Prevention and Support service will help achieve positive outcomes for young people from rural/semi-rural communities in Midlothian.
Urban Communities	The provision of a Youth Homeless Prevention and Support service will help achieve positive outcomes for young people from urban communities in Midlothian.
Coastal Communities	N/A

5. Are there any other factors which will affect the way this policy impacts on the community or staff groups?

- The Scottish Government recently consulted on proposals relating the Homeless Prevention Duty following the recommendations of the Homelessness Prevention Review Group. An independent analysis of the responses to the consultation is due to be published in autumn 2022, with legislation being introduced as part of a wider Housing Bill during the next parliamentary year. All homelessness services provided by Midlothian Council, included the Youth Homeless Prevention and Support Service will be reviewed to ensure procedures and policies meet the requirements of any new legislation.

6. Is any part of this policy/ service to be carried out wholly or partly by contractors?
If yes, how have you included equality and human rights considerations into the contract?

14

The Youth Homeless Prevention and Support Service will be delivered by a contracted specialist service. Contractors are required to submit evidence of their equalities and human rights policies through the procurement process.

7. Have you considered how you will communicate information about this policy or policy change to those affected e.g. to those with hearing loss, speech impairment or English as a second language?

All information relating to the Youth Homeless Prevention and Support Service can be made available in different formats to suit the needs of specific groups.

8. Please consider how your policy will impact on each of the following?

Objectives Equality and Human Rights	Comments
Promotes / advances equality of opportunity e.g. improves access to and quality of services, status	The RRTP will improve access to settled accommodation, reduce the time spent in temporary accommodation and develop partnership working. By ensuring suitable accommodation is provided more quickly vulnerable people will be better placed to access other services. The provision of a Youth Homeless Support and Prevention service will further enhance delivery of these wider aims.
Promotes good relations within and between people with protected characteristics and tackles harassment	The Youth Homeless Support and Prevention service seeks to provide advice, support and assistance to young homeless people in Midlothian. Many of the people supported will also have other protected characteristics, such as those relating to pregnancy/maternity, sex, sexual orientation and disability. The service will provide support to quality groups if they are experiencing,

15

	or at risk of, harassment or being victimised.
Promotes participation, inclusion, dignity and self- control over decisions	All support delivered by the Youth Homeless Support and Prevention Service will be delivered from a person centred and trauma informed perspective. Ensuring the needs and wishes of the individual are fully considered at all times.
Builds family support networks, resilience and community capacity	The Youth Homeless Support and Prevention Service will develop supportive networks for young people. This will be achieved through activities such as mediation and the development of peer support/mentoring.
Reduces crime and fear of crime	The Youth Homeless Support and Prevention service seeks to deliver positive outcomes related to the development of sustainable communities by providing support which reduces instances of young people from Midlothian participating in or being victims of crime.
Promotes healthier lifestyles including Diet and nutrition Sexual Heath Substance Misuse Exercise and physical activity Life Skills	Poor housing conditions, including homelessness, are linked to poorer health circumstances for households. The Youth Homeless Support and Prevention service will be required to establish partnership working between a range of services including Midlothian Health and Social Care Partnership delivering services directly to people in temporary accommodation.
Environmental	
Reduce greenhouse gas (GHG) emissions in Midlothian (including carbon management)	N/A
Plan for future climate change	N/A
Pollution: air/ water/ soil/ noise	N/A

16

Protect coastal and inland waters	N/A
Enhance biodiversity	N/A
Public Safety: Minimise waste generation/ infection control/ accidental injury /fire risk	N/A
Reduce need to travel / promote sustainable forms or transport	N/A
Improves the physical environment e.g. housing quality, public and green space	Support provided will promote tenancy sustainment reducing the need for temporary accommodation. Young people who secure permanent housing will be provided with support to successfully manage their tenancy including ensuring it is maintained to a high standard.
Economic	
Maximises income and /or reduces income inequality	Service users will be provided with support to ensure they are able access affordable housing solutions. Including support to maximise income through budgeting/welfare rights advice, and accessing employability services to further reduce income inequality.
Helps young people into positive destinations	The service will be provided to young people to enable them to access/maintain suitable housing which can improve health, wellbeing and employment prospects.
Supports local business	N/A
Helps people to access jobs (both paid and unpaid)	Young people will be provided with support which aims to help service users to access/sustain affordable housing increasing the opportunities for people to access employment.
Improving literacy and numeracy	Where identified as a support need young people will be provided with support to access education/training opportunities which seek to improve literacy and numeracy skills.

17

Improves working conditions, including equal pay	N/A
Improves local employment opportunities	Young people will be supported to access services which aim to support people to access employment.

9. **Is the policy a qualifying Policy, Programme or Strategy as defined by The Environmental Impact Assessment (Scotland) Act 2005?**

No

10. **Action Plan**

Identified negative impact	Mitigating circumstances	Mitigating actions	Timeline	Responsible person
None				

11. **Sign off by Chief Officer**

Name

Date

18

Protective Services, Environmental Health Food Service Plan 2022/23

Report by Chief Officer- Place
Report for Approval

1   Recommendations

It is recommended that Cabinet:
i)   note the Review of Performance of the Environmental Health
        Food Service for period 2021/22
ii)   note the likely impact of the current staffing position regards the
        inability to successfully recruit due the national shortage of
        EHOs, and
iii)   approve the Environmental Health Food Service Plan 2022/23

2   Purpose of Report/Executive Summary

The purpose of this report is to advise Cabinet of the obligation upon
the Council to document and implement a Food Service Plan; and to
seek approval of the Protective Services Environmental Health Food
Service Plan for 2022/23.

Date 25 July 2022

Report Contact: Gail McElroy
Tel No: 0131 271 3342
gail.mcelroy@midlothian.gov.uk

3   Background: Food Service Plan

3.1   Food Standards Scotland (FSS) is responsible for all strategic and policy aspects of food standards, food safety and feed safety in Scotland.

The Food Standards Agency (FSA) Framework Agreement on Official Feed and Food Controls provides Food Standards Scotland with a mechanism for implementing its powers under the Food Standards Act to influence and oversee local authority enforcement activity. It also defines a Local Authority's responsibilities in delivering the food enforcement service.

3.2   The Framework Agreement states that the Council has a duty to provide an up to date food service plan and stipulates that *"To help to ensure local transparency and accountability, and to show their contribution to the authority's corporate plan, feed and food service plans and performance reviews should be approved at the relevant level established for that local authority, whether that is Member, Member forum, or suitably delegated senior officer level."*

Food Standards Scotland and Local Authorities seek to work in partnership to discharge their duties and to incorporate
- Food Standards Scotland's Regulatory Strategy**,** and
- The Scottish Government's approach to Better Regulation as set out in the Scottish Regulators' Strategic Code of Practice.

3.3   Food Service Plan 2022/23

The consistent application of controls by Local Authorities is essential in terms of the wellbeing of consumers, food businesses and the wider economy. The Code underpins the necessary confidence of consumers and food businesses that all food purchased or traded in Scotland is manufactured, described and handled to consistent standards, irrespective of its origin.

The obligations that apply to the delivery of official controls by local authorities includes ensuring:

a. the effectiveness and appropriateness of Official Controls.
b. that controls are applied at an appropriate risk-based frequency.
c. that they have a sufficient number of suitably qualified and experienced competent staff and adequate facilities and equipment to carry out their duties properly.
d. that staff are free from conflicts of interest.
e. that they have access to an adequate laboratory capacity and capability for testing.

Local Authorities are required to have approved Service Plans that set out how and at what level food controls will be provided, in accordance with the Framework Agreement on Official Feed and Food Controls and the Interventions Food Law Code of Practice (Scotland) 2019.

The Food Service Plan 2022/23 details how these obligations are being met and pursued within Midlothian.

The draft Food Service Plan 2022/23 is attached at Appendix A.

3.4   Review of the previous plan

Section 6 of the Framework Agreement states that The Food Authority should review and set out information on the previous year's performance against that service plan.

The Review of Service performance against the 2021/ 2022 Food Service Plan is attached at Appendix B.

4   Report Implications (Resource, Digital and Risk)

4.1   Resource

This is detailed within the Service Plan 2022/23

4.2   Digital

There are no digital implications identified at this time.

4.3   Risk

Section 1 of the Food Law Code of Practice (Scotland) requires the statutory obligations be brought to the attention of local authority officials and / or elected member bodies responsible for agreeing budgets or other service arrangements relevant to the delivery of official controls.

Environmental Health is a statutory function and the Food Service Plan is produced in pursuance of this function. Failure to produce and implement a food service plan leaves the local authority open to both the challenge of failing in its statutory duty and increased reputational risk.

4.4   Ensuring Equalities (if required a separate IIA must be completed)

There are no known equality issues arising from the provisions of this annual plan.

4.4   Additional Report Implications (See Appendix C)

See Appendix C

Appendices

Appendix A – Food Service Plan 2022/23

Appendix B – Review of service performance against the 2021/ 2022 Food Service Plan
Appendix C - Additional Report Implications
Appendix D - Background information/Links

Single Food Service Plan 2022 - 2023

Summary

Food Standards Scotland (FSS) require each local Food Authority to produce a periodic plan showing how it will meet the duty of the Authority to regulate and enforce food law in its area. This plan is produced following the Framework Agreement on Official Feed and Food Controls by Local Authorities, issued by Food Standards Agency (FSA).

The coronavirus pandemic caused the cessation of almost all routine on-site food inspection work from March 2020 onwards, at which time Environmental Health staff were redeployed into COVID-19 related work. Now that this work has dramatically reduced the Food Service is able to restart their Food Law Intervention Programme.

This plan covers the Business Regulation Team's food related activities, planned from April 2022 – March 2023, continuing the restart of the Food Law Intervention Programme. It has been prepared using risk rating data held for each food premises on our Management Information System and following the Local Authority Recovery Process Guidance produced by Food Standards Scotland and Scottish Food Enforcement Liaison Committee (SFELC).

Due to ongoing staff vacancies the plan focuses on our highest risk premises initially ensuring they are inspected within the first 6 months. All priority 1 and 2 category food businesses will be inspected within 12 months of the plan starting. Interventions at our lower risk food businesses will be initiated if staffing levels improve after a successful recruitment exercise.

Introduction

Retained EU law sets out the obligations that apply to the delivery of Official Food Controls by Local Authorities (also known as Food Authorities), ensuring:

- The effectiveness and appropriateness of Official Controls,
- That controls are applied at appropriate risk-based frequency,
- That they have a sufficient number of suitable qualified and experienced, competent staff and adequate facilities and equipment to carry out their duties properly,
- That staff are free from conflicts of interest.

Local Authorities must have regard to Codes of Practice issued by Ministers on the execution and enforcement of the applicable food laws; and regulations and orders made under it. Food Standards Scotland oversees that Local Authorities have in place arrangements for the delivery of the required Official Food Controls. This Service Plan is also developed in line with the draft Administration and Service Planning, Food Law Code Practice (Scotland) 2020, provided by FSS.

The coronavirus pandemic caused all planned food law intervention work to cease on 20 March 2020 when the Council moved into Category 1 responder mode.

Midlothian Council
Food Service Plan 2022 - 2023

Environmental Health Officers (EHO's) were classed as key workers and ceased normal duties to concentrate work on public health control measures. Environmental Health;

- Assisted with the establishment of a mortuary facility

- Carried out regular patrols during the "lockdown" phase of the pandemic ensuring businesses were closed as required

- Advised on matters relating to infection control in Council office accommodation and COVID risk assessments

- Carried out regular patrols post lockdown to ensure businesses were operating in accordance with the Coronavirus Restriction Regulations

- Visited and gave advice around COVID controls in the hub schools

- Assisted with the establishment of food bank locations and the setting up of community kitchens during the lockdown phase

- Provided guidance to the business community on the coronavirus regulations brought into force on matters such as workplace controls, infection control measures and mass gathering events

- Assisted the NHS with the development of contact tracing questionnaires prior to the establishment of Test and Protect

- Carried out contact tracing and on-site investigations where coronavirus cases or outbreaks occurred in the workplaces and other settings in Midlothian in partnership with the Health Protection Team at NHS Lothian (HPT)

- Participated in incident management team meetings relating to outbreaks in various workplaces and latterly in daily, weekly and monthly COVID surveillance meetings with the HPT

- Provided expert opinion to the Police in support of their investigation of an illegal gathering of over 300 people in the summer of 2020

- Assisted with the establishment and running of the Council's centre for the delivery of non-symptomatic testing of the population and testing kit distribution

Throughout the pandemic restrictions, Food Service EHOs were active in the community dealing with service request work. From March 2020 until the beginning of October 2021 the Food Service recorded 1100 service requests, approximately 540 were COVID-19 related interventions. In a normal year the Food Service would deal with 400-500 service requests.

At the time of preparing this plan in April 2022, the majority of the requirements of the Health Protection (Coronavirus)(Restrictions)(Scotland) Regulations 2020, which were regulated by local authorities, have been removed. Officers are no longer dealing with

COVID-19 related requests. However, as the pandemic is still on-going, Food Service EHO's would be expected to provide assistance again if needed. It is not possible to predict if and when that may happen.

The inspection of food businesses during the pandemic presented risks to both officers and Food Business Operators. Risk assessment identified measures to control these risks which resulted in a reduction in the number of inspections officers could carry out. With the progress made with the pandemic, these control measures have now been removed and Food Service Officers are carrying out unannounced inspections in accordance with the Interventions Food Law Code of Practice (Scotland). In line with guidance from the Scottish Government, officers will continue to take a Lateral Flow Tests (LFT's) prior to any visit to a care/nursing home where there are vulnerable people.

This Food Service Plan has been prepared following the 'Local Authority Recovery Project, Recovery Process Guidance' developed by Food Standards Scotland and Scottish Food Enforcement Liaison Committee, issued in December 2020. The plan covers the period from 1 April 2022 to 31 March 2023.

1.1 <u>Service Aims and Objectives</u>

The aims of the Food Service, delivered by the Business Regulation Team within Environmental Health, are to:

- Carry out the statutory duties required of Midlothian Council as a Food Authority,

- To protect public health by ensuring that food produced and/or consumed in Midlothian, is safe to eat and is described accurately to the consumer,

- To continue to assist businesses in their recovery from the COVID-19 pandemic, while also ensuring public health is protected.

Objectives, to;

- Complete the food law interventions programme planned for April 2022- March 2023,

- Carry out approved premises interventions following the Official Control Verification (OCV) framework,

- Undertake a programme of food sampling from manufacturing premises in Midlothian,

- Contribute to national sampling surveys set by Food Standards Scotland,

- Investigation all food related requests for service,

- Investigate instances of food and water borne diseases within Midlothian in a co-ordinated approach with the relevant Health Authorities.

- Respond appropriately to relevant food alerts as required by Food Standards Scotland,

- Ensure all Authorised Officers receive a minimum of 10 hours food related training to maintain competency.

1.2 Link to corporate objectives and plans

Midlothian Council has developed a Single Midlothian Plan for the year 2022-23.

The plan sets 3 main outcomes:
- Individuals and communities have improved health and learning outcomes
- No child or household living in poverty
- Significant progress is made towards net zero carbon emissions by 2030

Annex 1 shows the mapping of Food Service activity to the Single Midlothian Plan outcomes

Food Authorities have a duty under the Regulatory Reform (Scotland) Act 2014 to contribute to sustainable economic growth. Food Service Officers have regard to the principles of Better Regulation helping businesses to comply and grow sustainably. This is in line with the Single Midlothian Plan. However, exceptions are in place where this would be inconsistent with the execution of their function to protect public health.

2.   Background

2.1 Profile of Local Authority

Midlothian Council is located to the south of Scotland's capital city Edinburgh and serves a growing population of about 93,150. Midlothian is now pro rata, the fastest expanding area of Scotland for population growth and housing development, with a projected population increase to 103,945 by 2028, an increase of 13.8%. This is compared to 1.8% increase for Scotland as a whole. This brings with it consequent pressures on council services.

Reference: National Records of Scotland -Midlothian Council Area Profile (nrscotland.gov.uk)

The Council is one of the smallest in Scotland covering a geographical area of 354km^2. It shares its borders with East Lothian, City of Edinburgh and Scottish Borders. The main centres of population are currently around Dalkeith, Bonnyrigg and Penicuik with much of the area rural in nature with small towns and villages.

2.2 Organisational Structure

An organisational review of Protective Service is ongoing. The proposed organisational structure is seen in figure 1 and also shows the current full time equivalent (FTE) within the Business Regulation Team, as at May 2022.

The Senior Manager Protective Services has been in post since October 2021. A new post of Team Manager Business Regulation was created with responsibility for food and health and safety regulatory compliance within Midlothian. The appointed person started in March 2022 and has taken on the role of Lead Food Officer for Midlothian Council. The recruitment to a new post of Team Manager Public Health and Environmental Protection has also been successful, with the manager taking up post in May 2022. Principal Officers will support the Team Managers and Enforcement Officers.
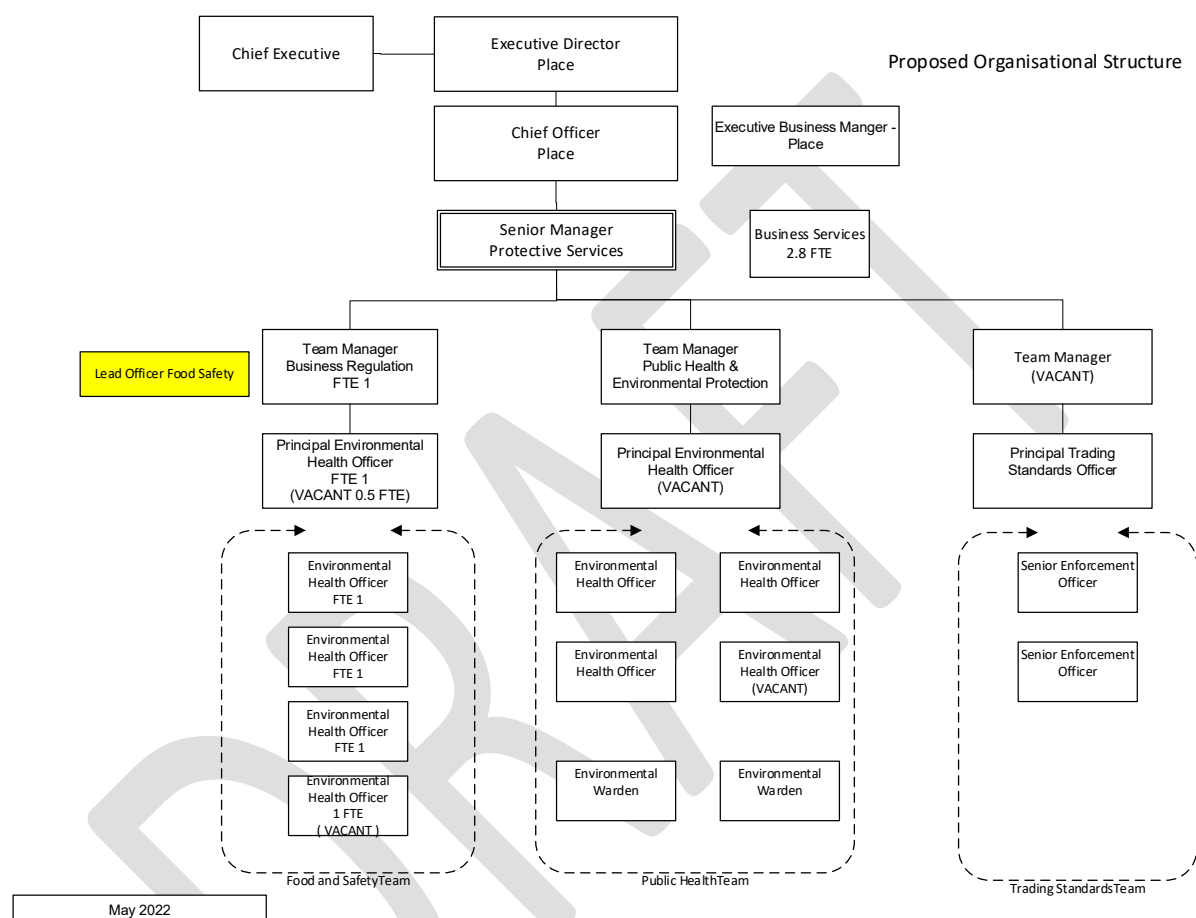

Figure 1. Proposed Organisational Structure of Place with current Business Regulation Team Full Time Equivalent (FTE) as at May 2022. [NB: further change to take place September 2022]

2.3   Scope of the Food Service

The Food Service is delivered by the Business Regulation Team of the Environmental Health Service, part of Protective Services in the Place Directorate. The Service is based at Fairfield House, 8 Lothian Road, Dalkeith, EH22 3AA - Tel. 0131 271 3559, email: foodandsafety@midlothian.gov.uk.

The Service generally operates during Midlothian Council office hours, 9-5pm Monday to Thursday and 9-3.45pm Friday.   However, a certain amount of inspection and reactive work is done out with these hours in order to access businesses that open in the early mornings, evenings or at weekends or to respond to public health concerns.

Outwith core hours, contact for emergency purposes is on an ad-hoc "whom-failing" basis via the Midlothian Contact Centre - Telephone number 0131 663 7211.

The organisational structure, lines of responsibility and establishment of the Environmental Health Service are shown in Figure 1 above.

The range of food activities involved in regulating businesses in Midlothian include;

- Regular interventions with food business to check compliance with food law including safety, hygiene, food composition and labelling.
- Approval of our highest risk businesses handling products of animal origin.
- Licensing of certain premises i.e. mobile street traders
- Sampling of food to check on hygiene, composition and labelling.
- Investigation of complaints from the public about food, food labelling and food premises.
- Investigation of food related cases of infectious diseases.
- Detection and investigation of food related fraud and food crime.
- Enforcement of the legislation in relation to the above activities.
- Providing advice and assistance to new or existing food business operators and to the public.
- Scrutiny of planning and building warrant applications relating to matters of food safety

The Food and Safety team is also responsible for;

- Enforcement of Health and Safety legislation in many workplaces in the Midlothian area, including the investigation of workplace accidents and incidents in those premises,

- Environmental Health Officers contribute to the Council's Safety Advisory Group providing advice to event organisers,

- Enforcement of the Public Health (Scotland) Act and in partnership with NHS Lothian, the investigation and control of certain infectious diseases and other public health concerns,

- Licensing and regulation of residential caravan sites, certain activities covered by Civic Government licencing and zoos.

Enforcement Officers are authorised by the Council to enter premises, inspect and take samples, serve legal notices and make reports to the Procurator Fiscal. Any formal action taken is in line with our Food Enforcement Policy.

City of Edinburgh, Scientific Services are appointed by Midlothian Council to provide services of examination and analysis of samples.

2.4   Demands on Food Service

Service User Profile

As of 1 April 2022, 1034 food business were registered and operating in Midlothian. There has been a net year on year rise in food businesses from 2005 – 2021, see figure 2, and this continues to rise.
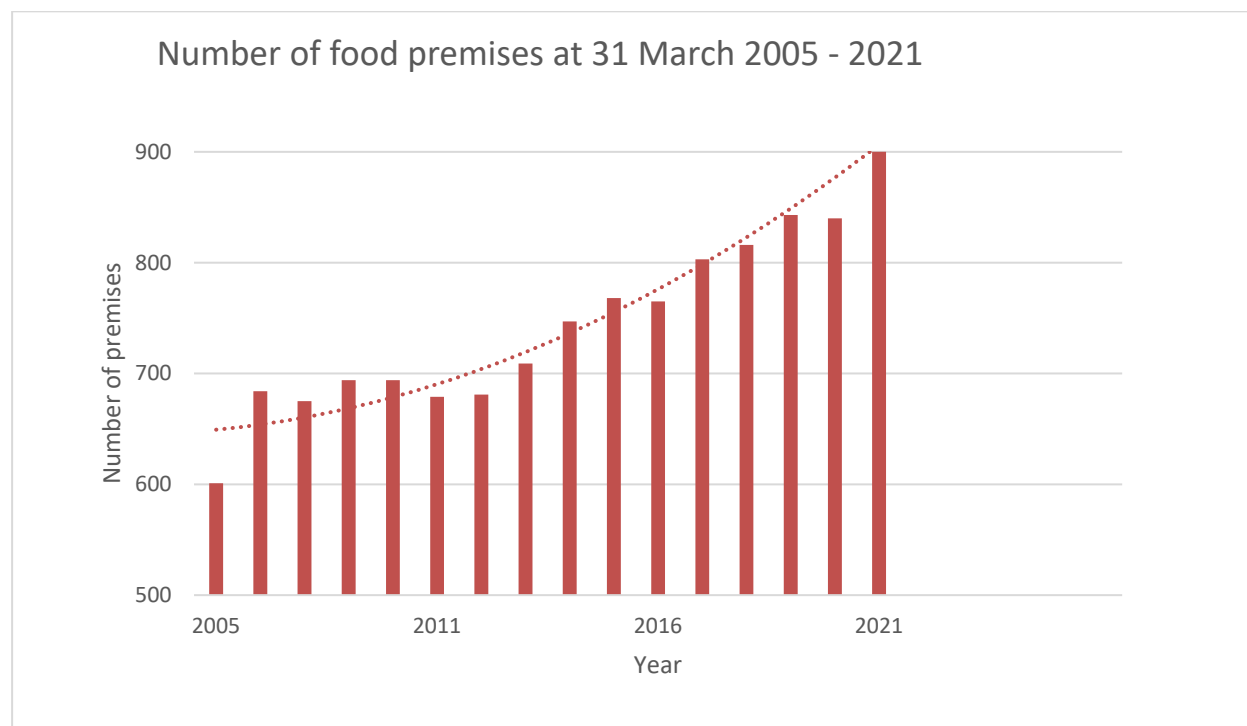

Figure 2   Number of food businesses registered with Midlothian Council from 2005 – 2021

The majority of the food premises in the area are small to medium enterprises. Most of these businesses rely on regular contact from the Business Regulation Team for advice and guidance on the legal requirement for food and safety.

There are 11 premises located in the area approved for the manufacture and supply of high risk products of animal origin to other food businesses and potentially national and international markets. A small number of businesses export to non-EU countries.

Changes to Enforcement Practice

The Interventions Food Law Code on Practice (Scotland) introduced the new Food Law Rating System (FLRS) in April 2019 and changed the way in which food businesses are risk rated after an inspection. The risk rating of each food business will still determine the frequency at which it is inspected. However, all food businesses are now assessed on a wider range of aspects of food law covering hygiene, composition, labelling requirements and the risk of fraud. This new risk assessment scheme is expected to result in increased frequency of inspections for the higher risk businesses. Businesses deemed to be of the highest risk at their programmed inspection, due to serious non-compliance, will receive intensive interventions, with further full inspections within 1 month and 3 months.

FSS Local Authority Recovery Process Guidance sets out 6 risk-based priorities from highest to lowest risk (see Annex 2). The Food Service will monitor and report on the highest risk of these, i.e. Priority 1 and Priority 2 at the end of the 12 month plan. The Food Service will also monitor the progress, quarterly by the cumulative percentage of planned food premises inspections achieved in each month, for all priority categories.

These changes have required updates to the Management Information System used by the Food Service (UNIform - IDOX) to cope with this and there will be a transitional period (further delayed by the pandemic) as food businesses are moved from one assessment regime to another. It is anticipated that all food businesses will be risk rated under the new FLRS system within 48 months of restarting the Food Law Intervention Programme.

The Interventions Code does not apply to food establishments at the level of Primary Production or Approval. The way in which Official Controls are applied to approved premises has changed with more frequent, in depth interventions now required. Each premises will require numerous visits within an annual cycle. A significant amount of officer time is needed to implement this new system, with 2 officers required for each of these interventions. At present there are 11 approved premises within Midlothian, with a further 2 businesses requiring assessment. It is estimated that these interventions will take around 82 days of officer time.

On-going structural changes are being implemented across the Council. The Food Service is now part of the newly created Protective Services function in the Place Directorate. At the time of preparing this plan not all changes affecting Environmental Health have been completed and vacant posts remain unfilled. Recruitment to the vacant Environmental Health Officer posts have so far been unsuccessful after several advertisements but the authority is committed to have the posts preserved and filled.

Future Demands

Regulation of businesses is regularly changing and with it the demands on ensuring compliance.

1 October 2021 saw the introduction of Natasha's Law to improve the labelling of allergens on certain pre-packed foods. Food Service Officers provide advice on this during their programmed food law interventions, particularly in small and medium sized food businesses. This new requirement adds to the officer time spent providing guidance and responding to enquiries.

Legislation came into force in Scotland on 1 June 2022 to ban certain single-use plastic items being supplied, including plastic cutlery, plates and stirrers. Enforcement of these regulations is most likely to fall to Business Regulation, with officers providing advice and encouraging more sustainable alternatives.

A consultation on the provision of mandatory calorie information within the 'out-of-home' sector is in progress. This is being considered to help reduce diet-related health inequalities. As Food Service Officers are already visiting food premises on a regular basis and enforcing existing food law they are seen as best place to provide support

and guidance to business to fulfil this requirement. Again this will need further time resource to ensure officers are trained and competent before then spending time with businesses to help them apply any new legislation.

2.5   Enforcement Policy

The Authority has a documented Food Enforcement Policy. This sets out how the Food Service will deal with non-compliance with food law and how we intervene to bring businesses back into compliance. Authorised Officers make enforcement decisions in line with Midlothian Council's Food Enforcement Policy.

3.   Service Delivery

3.1   Interventions at Food Business Establishments

This plan covers the period from 1 April 2022 until 31 March 2023.

It details the restart of the Food Law Interventions Programme that has been hampered over the past few years as a consequence of the Covid-19 pandemic.

Measures taken by UK and Scottish Government in March 2020 in response to the Covid-19 pandemic resulted in a cessation of the majority of food law interventions. Many food businesses closed and control measures put in place to prevent the spread the Covid-19 meant routine food inspections could not be carried out. Environmental Health Officers were deployed in other important activities aimed to reduce the spread of Covid-19 infection.

In April 2020, a derogation from the Food Law Code of Practice and the Interventions Code of Practice was agreed. This created a backlog of 'missed' interventions and has meant that the risk assessment system which programmed the timings of next inspections has become uncoupled. Prior to this the Food Service had good quality, up to date risk ratings for most of the food businesses in Midlothian.

An initial restart of the food law interventions programmed was attempted beginning October 2021 to March 2022. There was an intention to carry out 274 premises interventions, starting with our highest risk premises. At this time the Food Service had a compliment of 2.8 FTE inspecting officers. Unfortunately due to a new variant of Covid-19, continuing restrictions and officers assigned to other tasks, including a serious Health and Safety accident investigation, only 32% of the planned interventions were carried out. Within this time, Authorised Officers also initiated catch up/review visits with approved premises to profile the business before a full inspection was carried out. Taking account of these factors the Intervention Programme has restarted from 1 April 2022.

From 1 April 2022 to 31 March 2023, the Food Service plans to carry out 290 interventions at Midlothian food business to assess their compliance with food law. Table 1 shows the breakdown of the number of interventions planned in each priority category. This plan is created as a reset of the interventions programme. It follows recommendations from the 'Local Authority Recovery Process Guidance', produced by

Midlothian Council
Food Service Plan 2022 - 2023

Food Standards Scotland and Scottish Food Enforcement Liaison Committee in December 2020.

Planned Food Interventions April 2022 – March 2023	
Priority Category	Number of planned interventions
Highest Risk Premises Priority 1	10
High Risk Priority 2	69
Medium Risk Premises Priority 3, 4 and 5	211
Total	290

Table 1, Breakdown of Priority Category and Number of Interventions Planned

Priority categories are set with proposed timescales (see annex 2) by which premises in each category must receive an intervention. If the programme can stay on track and the current vacancies filled, all the food businesses (registered with Midlothian Council by April 2022) will have had a food law intervention within 48 months. This includes all of the lowest risk food businesses.

In the first year of this restart, from 1 April 2022- 31 March 2023, the Food Service will prioritise the highest risk food businesses that operate within Midlothian, that is Priority 1 and Priority 2 category businesses. There are 79 of these businesses in this category that will receive an intervention. It is expected that the number of highest risk businesses will increase throughout the year due to the lack of interventions over the last 2 years and the serious non-compliances already experienced. These businesses will need to receive 'Intensive' interventions, within 1 month of the initial inspection and another full inspection after 3 months. It is too difficult to predict at present how many premises this may relate to.

Priority 3, 4 and 5 category businesses have been allocated an intervention date within the proposed time periods set out in the recovery guidance. These are spread evenly throughout 12, 18, 24, 36 and 48 months in line with the guidance. Within the current years plan, 211 medium risk premises (priority 3, 4 and 5) will receive an intervention.

As previously shown, the number of new food businesses registering with Midlothian Council is increasing year on year. All newly registered food businesses require a full inspection to allow them to be risk rated under the new system. As at 1 April 2022, 86 new businesses had registered with Midlothian Council and were awaiting inspection. The Food Service plan to inspect 65 of these higher risk businesses within the year. Depending on the type of food business, officer resource to bring them in line with regulatory compliance can be significant. In the last 6 months Authorised Officers have been supporting new manufacturing establishments, an application for a new approved premises and food producers using complex processes.

The new structure of Business Regulation within Protective Services provides 6 FTE officer positions, including management. For the team to fulfill all the requirements placed upon them within this current year they would require an estimated additional 0.4 FTE. Currently 4.5 FTE positions are filled within this team and so are sitting with 1.5 FTE vacancies. Due to current staffing levels and competing priorities the lowest risk businesses will be scheduled from April 2023. Priority 6 category businesses are the lowest risk, they include small retailers selling pre-packed foods, childminders and home caterers preparing and selling low-risk ambient foods. If staff levels increase due to a successful recruitment campaign or additional resource provided by contractors, interventions at these lowest risk businesses will be initiated.

It is anticipated however, that due to the demands and changes outlined above, the time and resource put into our highest risk food businesses will increase. Until inspections are properly underway it will not be possible to assess the extent to which businesses have remained compliant with food law. It is likely that increased time consuming enforcement activity will be required.

Approved manufacturing premises have had some sporadic contact during the pandemic to maintain communications. Between October 2021 and May 2022 the highest risk approved premises received a catch up review visit and a focused audit.

All approved premises, including the lower risk cold stores will receive interventions in line with the Official Control Verification (OCV) Guidance, produced by FSS. This is a methodical approach of auditing the highest risk food businesses to secure high level public health protection and protects the reputation of Scottish food businesses. Implementation of this new process will significantly increase the time spent on Official Controls at approved establishments.

3.2 Food Complaints and requests for service

A proportion of the Service's work relates to dealing with requests for service about food related matters. The team receives approximately 450 service requests each year, of which about 50% are food related.

Food service requests include;

- Complaints about food that people have bought or consumed e.g. foreign bodies in food or alleged food poisoning,
- Complaints about food premises which appear to be being run unhygienically,
- Requests for advice about starting food businesses, legal requirements, food hygiene training, labelling or the layout and fittings of proposed premises,
- Licensing of mobile street traders,
- Scrutinising planning applications and building warrants received by the Council relating to food premises and offering advice to applicants regarding premises layout, fittings etc.,
- Investigating cases and outbreaks of infectious disease, in partnership with NHS Lothian, associated with the consumption of food or water,

- Responding to intelligence concerning food incidents or food fraud from Food Standards Scotland and other local authorities, instigating food alerts for action, product recalls and allergy alerts.

All service requests, where we have a statutory function, must receive a response to determine the extent to which further action is needed. Therefore, this work must take priority over planned inspection work.

Response times are specified for some reactive work. For requests of service received Authorised Officers should make first contact within 5 working days. It has been agreed with NHS Lothian that cases of gastrointestinal infection should be contacted within 2 days of notification, more serious cases of typhoid/paratyphoid, *E.coli* O157/STEC, Cholera 01, Shigella Dysenteries, Listeria, Legionella and Non-Sonnei Shigellas should be contacted on the day of notification. Mandatory health and safety investigations take priority and would be initiated on the day of notification. This would include fatalities or multiple serious injuries in a workplace.

Some requests may result in significant amounts of work being required to resolve them. For example, a complaint about an unhygienic premises which leads to enforcement action and a subsequent report to the Procurator; a new food manufacturer requiring significant research into the processes involved; a fatal or serious workplace accident; a major infection control or public health incident. Previously we have responded to 95% of service requests within our specified targets but given the reduction in staffing it is unlikely that this response rate will be maintained.

3.3   Home Authority

Midlothian Council has agreed to act as Home Authority to a large food manufacturer with the Head Office and decision making base in Bonnyrigg.

Where Home Authority agreements exist with other UK local authorities the Food Service will liaise with those authorities where appropriate.

3.4   Advice to Businesses

The Food Service provides advice freely to Midlothian businesses. Advice and guidance is given during routine food law interventions and in response to service requests from food businesses.

Where new legislation and associated guidance has been produced the Food Service may plan a targeted intervention to advise affected businesses. For example, In October 2021 changes were introduced to the labelling requirements of food pre-packed for direct sale – that is packed on the premises for sale to walk in customers. This followed a number of deaths across the country involving allergic reactions to food constituents and high profile coverage in the UK media. This is a significant change for businesses such as takeaways and sandwich shops. A targeted email was sent out to 371 businesses in Midlothian that would be affected by this change. Social media posts were sent out on the Midlothian Council twitter feed and the Midlothian Council website was updated to include these changes.

3.5 Food Sampling

The sampling of food is an integral part of the work of the Food Service. The sampling plan can cover local outlets, approved premises, manufacturers and also nationally organised campaigns. On average 235 food samples are taken each year for examination or analysis.

Food sample examination involves assessing the microbiology of both ingredients and final products. It can give an indication of the conditions under which it is produced and the levels of hygiene controls during processing and handling both in the environment of the premises and the practices of the people producing it.

Food sample analysis can determine; what a food is made of, whether the ingredients meet legal requirements e.g. % meat or fruit, are contaminated or adulterated and if labelled or described accurately.

Food samples are submitted to Edinburgh Scientific Services who employ the Authority's appointed Food Examiner, Public Analyst and Agricultural Analyst. The Food Service does not have a dedicated Food Sampling Officer. Authorised Officers from the Business Regulation team take samples from approved premises, see table 2, and manufacturers during food law interventions and purchase samples as part of the national survey as allocated.

Annual Sampling from Approved Premises		
Food Sampled	Samples for Microbiological Examination	Samples for Chemical Analysis
Processed Milk	6	6
Cream	2	2
Meat Products	6	6
Pizzas and Ready Made Meals	5	5
Savoury dumplings/pasta	5	5
Haggis/Savoury Puddings	3	3
Fish	0	2
Total	**27**	**29**

Table 2 – Annual Sampling Plan for Approved Premises in Midlothian

The Food Service participates in sampling surveys organised by Food Standards Scotland, Lothian and Borders Food Liaison Group and the Scottish Food Enforcement Liaison Committee (SFELC).

These sampling programmes and priorities are drawn up by Food Standards Scotland and the Scottish Food Enforcement Liaison Committee. They aim to identify trends in the food supply where intelligence data suggests more information is required or a problem may already exist. Sampling is carried out by Local Authority Authorised Officers across Scotland and the results collated centrally. This work is resourced by FSS and is coordinated by SFELC in collaboration with the Public Analyst. The FSS

funded Local Authority National Sampling Programme for 2022 – 2023 can be seen in Annex 3.

3.6   Control and Investigation of Outbreaks and Food Related Infectious Disease

Authorised Officers of the Business Regulation Team investigate cases of infectious gastrointestinal illness. The policy is agreed between NHS Lothian Health Protection Team (HPT) and Environmental Health services of the local authorities, City of Edinburgh Council, West Lothian, East Lothian and Midlothian Councils. The standard procedures for the investigation and management of sporadic cases and incidents of gastrointestinal infection are set out in the 'Sporadic GI Policy'. This policy is currently under review.

On average Midlothian Food Service receive approximately 22 reported cases of infectious disease per year.

The Service has an agreed 'Major Outbreak Plan for Lothian' with NHS Lothian which confirms agreed procedures for the investigation and control of disease outbreak situations. The Joint Health Protection Plan for the Lothian area has been developed with multiple agencies and is an important document which acts as a reference point for assisting in the investigation and control of public health outbreaks and incidents. Authorised Officers work with the Director of Public Health and Consultants in Public Health Medicine to determine control measures to manage the outbreak.

3.7 Food Law Incidents

Food incidents are events where there are concerns about actual or suspected threats to safety, quality or integrity of food that could require intervention to protect consumers' interests. They are dealt with in accordance with the procedures detailed in the Food Law Code of Practice (Scotland).

The Food Service acts in partnership with FSS during food incidents. Responding to 'Food Alerts for Action' where food, produced and distributed regionally or nationally, may need to be removed from sale by business in Midlothian. The majority of incidents notified to the Food Service by FSS are Food Alerts for Information, providing details on product recalls and allergy alerts.

3.8   Liaison with other Organisations

The Food Service meets at quarterly intervals with representatives of other local authority food enforcement teams at the Lothian and Borders Food Liaison Group. The group is also attended by representatives from Food Standards Scotland and the Public Analyst. Local liaison groups support the work of the national Scottish Food Enforcement Liaison Committee (SFELC). The Scottish Food Enforcement Liaison Committee supports the work of FSS by providing information and expert advice in relation to food law enforcement. SFELC contributes to the development and implementation of FSS strategies and policies. It also provides a forum for the discussion of relevant topics, sharing best practice guidance, initiating surveys or projects.

Regular liaison meetings also take place with NHS Lothian's Health Protection Team and Scottish Water on matters of public health including infection control.
(A similar liaison group arrangement exists with attendance by the Health and Safety Executive)

3.9   EU Exit

Following the UK exit from the EU at the end of 2019 existing EU law relating to food enforcement, which comprised the majority of food safety legislation was relabelled as "Retained EU Legislation" and continues as is with minor variation in Scottish legislation so that there is continuity. This retained Food Law and the obligations it places in the local authority remain matters devolved to the Scottish Parliament.

Unlike other food authorities Midlothian has not been impacted by the export related consequences of the UK becoming a "third country" in relation to the EU.
For local authority areas which host businesses dealing in fish and fish products for export the demand for the signing of export health certificates by Environmental Health Officers has been considerable.

However, it is possible that the inspection of imported food could become a requirement where the increased requirement for regulatory food safety checks are deferred to inland authorities rather than dealt with at the point of entry e.g. a sea or airport. This was due to start in July 2022 but has been delayed to the end of 2023.

3.10   Food Law promotional work, and other non-Official Controls interventions.

Staffing levels and increased demands on the Food Service have meant that the Food Service must prioritise the statutory requirements. Much of the promotional work, including education, awareness campaigns etc. are now limited. However, if staffing levels improve to full complement the Food Service would look to restarting some food safety promotional activities.

The Health and Safety Executive (HSE) determine priority areas for Local Authorities to target interventions that improve health, safety and welfare within workplaces. As part of these targeted interventions the Business Regulation Team are planning awareness raising campaigns targeted at Midlothian's highest risk businesses.

3.11   Food Crime and Fraudulent Activities

Food Fraud is a dishonest act or omission, relating to the sale or preparation of food, which is intended for personal gain or to cause loss to another party. Food Crime (serious Food Fraud) is considered to be serious or complex fraud or serious and dishonest regulatory non-compliance in relation to food, drink and animal feed. The Scottish Food Crime and Incidents Unit (SFCIU) exists within FSS to prevent, investigate and detect fraud and deliberate non-compliance within the food and animal food chain.

The Food Service will inform SFCIU at the earliest opportunity of any suspicions they have regarding Food Crime or Food Fraud. There is an anticipated increase in food crime and fraudulent activities as a result of our exit from EU.

4.   Finance and Staffing

4.1 Financial Allocation

Indicative financial allocation for the Business Regulation Team for all aspects of work. The budget for the provision of scientific services includes all sampling and services provided to the Environmental Health Service.

Direct Staffing costs	315,898
Inspection Services equipment and maintenance costs	4150
Provision for scientific services	40,624
Transport costs	1500
Total	362,172

4.2   Staffing Allocation

Historically, the fulfilment of the annual food safety plan – i.e. to more than 90% completion, has required a minimum of 3.5 full time staff (FTE) working on food enforcement out of a team complement of six (based on data from 2008 to 2018). In 2018, Council financial saving requirements made of Environmental Health resulted in a 33% reduction in the number of officers in the Food Service. The risks that could arise from this reduction were brought to Members attention in the reports presented in June 2018 and June 2019.

At the end of the last quarter of 2019 when inspection activity effectively ceased, the food and safety team had a complement of four officers. At that point in time the service was on target to achieve only 60% of the service plan for that year, being involved at the time with a number of prosecution report related inquiries, a burden of training on the new food risk assessment regime and the introduction of a new licencing scheme for residential caravan sites. However, by prioritising the work in the 19-20 service plan the team had achieved 82% of high risk inspections.

It should be noted that the directing of available resources to food inspection work has meant that health and safety interventions, arguably as important for wellbeing, have been increasingly sacrificed. Lower risk food premises inspections have been replaced by an alternative intervention strategy. No non-statutory food related activities, are carried out.

Although the Business Regulation Team entered the start of the pandemic with 4 EHOs, an officer went on maternity leave in December 2020 and the Principal EHO began part-time working in May 2021. A part-time contractor was employed to provide cover temporarily between February 2021 and August 2021. An EHO recruited in September

2021, to fill the vacant EHO position, has now taken up the post of Business Regulation Team Manager.

The current vacant EHO positions in the Business Regulation Team were previously advertised but there were no suitable candidates. There is a plan for another recruitment exercise with the hope to bring the Business Regulation Team up to full complement. However, the Environmental Health profession suffers from a succession crisis and recruitment of suitably qualified staff is an issue for all local authorities in Scotland.

With a longer term view, Midlothian Council has taken on a student EHO who joined the Environmental Health Team in October 2021. A second student EHO has also since joined Midlothian Council to complete their training on a part-time basis, 0.4 FTE. Both students plan to sit their professional exams in September 2023.

It is projected that to manage and achieve the full range of interventions, within this annual Food Law Intervention Programme, would take 3.7 FTE Authorised Officers working on food related matters alone. At the time of creating this plan there is a shortfall of 0.5 FTE for food related matters.

Due to the recent changes in the way the Food Service carries out their Official Controls at all food establishments, the time required to fulfil these requirements will need to be reviewed at the end of this year (year 1). A time measurement exercise will be carried out to provide a more accurate estimate of staffing resource needed in year 2. It is predicted that this will increase.

In addition to conducting planned work the Business Regulation Team must maintain capability to deal with matters which are not food safety related but require a priority response. The pandemic has been an extreme example. Existing staffing levels have meant there is no "spare" capacity for such contingencies and time has to be taken from food inspection work to deal with serious health and safety accidents, public health or environmental incidents, preparing prosecution reports, implementing changes to legal requirements and updating operational procedures.

Taking account of all the requirements placed on the Business Regulation Team and the current vacancies, at present there is a shortfall of 1.9 FTE Authorised Officers to complete the plan in its entirety. The proposed new structure only allows for recruitment of 1.5 FTE EHO's.

4.3   Staff Development

The Food Law Code of Practice requires that all Authorised Food Officers obtain at least 10 hours of update training in food related matters during the year to maintain their competency. This has been difficult given the redeployment of staff to COVID related matters. However, use has been made of on-line courses and resources and compliance with this matter will be achieved. Regular training courses are organised through Food Standards Scotland, Royal Environmental Health Institute for Scotland (REHIS) and Scottish Food Safety Officers Association.

At present the Business Regulation Team have a training budget of £1250 for 2022-2023

Food Service staff are subject to the Council's appraisal process – Making Performance Matter. This sets and monitors individual performance targets and identifies training and development needs.

5   Monitoring

5.1   Quality assessment and internal monitoring

The Service relies on the professional skills of its authorised officers for the delivery of the service plan. In order to maintain the quality of the work we do, we;

- Continually review our operational procedures to improve our service delivery and to take into account legislative and procedural changes.
- Evaluate the consistency of our inspections through activities such as accompanied inspections by senior inspectors, team meetings and review of inspection reports to ensure consistency in the work of the Service.
- Ensure that Officers appointed as food inspectors complete at least 10 hours food related training each year as part of the maintaining of their competency.
- Are subject to periodic independent audit by Food Standards Scotland.
- Survey businesses that have been inspected to find out what they thought of the experience.
- Report the performance of a number of our planned objectives to elected members at regular intervals.

6   Review

6.1   Review against the Service Plan

The Food Service Plan will be reviewed annually.

6.2   Areas of Improvement

Any areas identified as requiring action will be detailed as part of the audit and review process. These will be addressed by the Protective Services Manager and the Team Manager Business Regulation as part of the review process and action taken shall range from immediate action to inclusion in the Operational Plan for future years.

Annex 1: Mapping of Food Service activity to the Single Midlothian Plan outcome

Food Service activity	Single Plan Outcome		
	Individuals and communities have improved health and learning outcomes	No child or household living in poverty	Significant progress is made towards net zero carbon emissions by 2030
The regular inspection of food premises for food hygiene and food standards	✓		
The sampling of food and animal feedstuffs to check on microbiological quality and composition	✓		
Investigation of food related cases of infectious diseases	✓		
Investigation of food related fraud		✓	✓
Investigation of complaints from the public about food, food labelling and food premises.	✓		
Enforcement of the legislation in relation to the above activities	✓		✓
Providing advice and assistance to new or existing food business operators and to the public.	✓	✓	✓

Annex 2 - FSS Priority Category for Food Law Intervention

	Annex 5 Food Hygiene	Annex 5 Food Standards	FLRS	Approved Premises
Priority 1			a) All Group 1 premises following the timescales in the Interventions Food Law CoP, b) Group 2 and 3 Band Es deal with within 1 month of start date. c) Spread all Group 1 Unrated businesses throughout a 6-month period.	LAs which have already implemented OCV – continue/restart the programme and schedule each premises within 12-month period. LAs which have not implemented OCV – start the implementation of OCV for Approved Premises and spread evenly over 12-month period.
Priority 2	Category As spread over 6 months.	Food Standards only premises Category As spread over 6 months.	(a) Group 2 and 3 Band Ds spread over a 6-month period. (b) Spread all Group 2 Unrated businesses throughout a 12-month period.	
Priority 3	Category Bs spread evenly over 18-month period.	Category As spread throughout 12 months.	(a) Group 2, Band C over 18 months and Group 3 Band C over 36 months. (b) Spread all Group 3 Unrated businesses throughout a 24-month period. (c)	
Priority 4	Category Cs spread over 24 months.	Category Bs that are Category Es for Food Hygiene spread over 24-month period.	Group 2 Band B over 24 months and Group 3 Band B over 48 months.	

Priority 5	Category Ds spread over 36 months	Food Standards only Category Bs spread over 36 months.	Group 2 Band As over the period of up to 48 months.	
Priority 6	Category E premises spread over 48 months	Food Standards only Category Cs spread over 60 months.	Group 3 Band As -decide if they need inspections, if so, spread over 60 months or are no proactive inter-vention.	

Annex 2 – FSS Funded Local Authority National Sampling Programme 2022 - 2023

Priority No./ Survey Code	Food Type	Premises Type	Testing parameters	Rationale for sampling	Additional Information	Number of Samples	Minimum Pack size	Sample Schedule (Q2/Q3/Q4)
				MICROBIOLOGICAL EXAMINATION				
1. FSS222301	**Reconstituted frozen raw coated chicken products**	Retailers	Salmonella, generic E.coli	Recent outbreak linked to such products, horizon scanning activities indicate issues with imported poultry meat and products	• All size retailers (including supermarkets) • Sample frozen coated chicken products, such us nuggets, poppets, poppers, goujons, dippers, etc. • Must be reconstituted product, **do not sample whole cuts** of meat • **Do not sample cooked products** intended for re-heating	• 2	• 100g	• Q2
2. FSS222302	**Soft and semi-soft ripened unpasteurised cheese**	Retailers, Caterers	Listeria monocytogenes detection and enumeration, STEC, generic E.coli	Issues continue to be detected through horizon scanning. Continued surveillance to monitor compliance	• For retail setting - sampling should be targeted at **delicatessens, cheesemongers**, but can include **supermarkets, with focus on cheese counters** where possible. • For catering setting - sampling should be targeted at cheeseboards, focusing on **unpacked cheeses and cheeseboards** • Sampling should focus on soft and semi-soft ripened cheeses, (blue cheeses, surface-ripen cheeses, etc.)	• 2	• 100g	• Q3
3. FSS222303	**Soft and semi-soft ripened pasteurised cheese**	Retailers, Caterers	Listeria monocytogenes detection and enumeration, STEC, generic E.coli,	Issues continue to be detected through horizon scanning. Continued surveillance to monitor compliance	• For retail setting - sampling should be targeted at **delicatessens, cheesemongers**, but can include **supermarkets, with focus on cheese counters** where possible. • For catering setting - sampling should be targeted at cheeseboards, focusing on **unpacked cheeses and cheeseboards**	• 2	• 100g	• Q4

					•	Sampling should focus on soft and semi-soft ripened cheeses, (blue cheeses, sur-face-ripen cheeses, etc.)					
4. FSS222304	**Imported ready-to-eat cured meats**	Retailers	Salmonella, Listeria monocytogenes detection and enumeration, generic E. coli	Issues continue to be detected through horizon scanning. Gathering data for the PATH-Safe project	•	Sampling should focus on **small retailers, delicatessens**	•	2	•	100g	• Q2
					•	Sampling to include imported RTE cured meat, charcuterie style products, biltong, etc.					
5. FSS222305	**Imported (non-EU) melon and papaya - whole**	Retailers	Salmonella, generic E. coli	Issues detected through horizon scanning. Recent outbreak linked to imported melons Gathering data for the PATH-Safe project	•	All size retailers	•	1	•	100g	• Q3
					•	Target **whole fruit**, any melon variety (but especially Galia and cantaloupe) and papaya **imported from non-EU countries**					
					•	Testing procedure to follow this protocol: 25 g cut-offs from both ends of the fruit (melon/papaya) – the fruit to be then submerged in broth for ~ 30 min and this broth-rinse to be then combined with the 25 g cut-off for incubation of the sample– thus the resulting isolate can come from the end-peels and/or just the surface of the fruit. There was no central fruit flesh used.					
6. FSS222306	**Imported (non-EU) melon and papaya - pre-cut**	Retailers	Salmonella, Listeria monocytogenes detection and	Issues detected through horizon scanning. Recent outbreak linked to imported melons	•	All size retailers	•	2	•	100g	• Q4
					•	Sample **pre-cut fruit,** any melon variety (but especially Galia and cantaloupe) and papaya **imported from non-EU countries**					

			enumeration, generic E. coli	Gathering data for the PATH-Safe project	• Preference for fresh fruit, but frozen can be sampled if required due to availability. Do not sample dried fruit.		
7. FSS222307	**Flour**	Manufacturers Retailers Bake houses	STEC, generic E. coli	Issues detected through horizon scanning. Gathering data for the PATH-Safe project	• All retailers, manufacturers and bake houses/bakeries	• 2	• 100g	• Q2
8. FSS222308	**Soft berries**	Retailers	Generic E. coli	Gathering data for the PATH-SAFE project	• All size retailers, farmer markets, farm shops. • Sample raspberries, strawberries, blue-berries of both domestic and imported origin • Test samples as received – without wash-ing	• 2	• 100g	• Q3
9. FSS222309	**Salad leaves**	Retailers	Generic E. coli	Gathering data for the PATH-SAFE project	• Sample bagged or un-bagged products, domestic or imported • **Preference for unwashed** products, but washed can be sampled if required due to availability; **please include in product description** when uploading sample	• 2	• 100g	• Q4
10. FSS222310	**Cooked, sliced ham and beef**	Retailers	Generic E. coli	Gathering data for the PATH-SAFE project	• All size retailers, domestic or imported origin	• 2	• 100g	• Q2
11. FSS222311	**Raw venison sausages and burgers**	Retailers	Generic E. coli	Gathering data for the PATH-SAFE project	• Sampling should be at both small retail-ers (including butchers) and larger retail-ers including supermarket, to try to in-	• 2	• 100g	• Q3

				...clude varied suppliers, but it is understood the number of suppliers of these products may be limited		• 2	• 100g	• Q4
12. FSS222312	**Raw lamb mince**	Retailers	Generic E. coli	Gathering data for the PATH-SAFE project	• All size retailers, including butchers and supermarkets • Domestic or imported samples are acceptable			
CHEMICAL ANALYSIS								
13. FSS222313	**Imported (non-EU) fishery products**	Importers Retailers	Heavy metals (lead, cadmium, mercury) and arsenic	Issues detected through horizon scanning	• All size retailers, including fish mongers – imported, non-EU products only. • Sampling focus on fresh and frozen product. **Do not sample** tinned, canned, smoked or process products • Targeting products such as **tuna, swordfish, squid, bivalve mollusc; farmed prawn and shrimp**; when sampling crabs and lobster **do not collect** whole, live animals.	• 2	• 150g	• Q2
14. FSS222314	**Kombucha**	Manufacturers Retailers Caterers	Alcohol content	Issues detected through horizon scanning	• Sampling targeted to **smaller producers, independent shops**, but can also sample at larger retailers and catering establishments	• 2	• 500ml	• Q3
15. FSS222315	**Fish/shellfish oil based supplements**	Retailers	Heavy metals (lead, cadmium, mercury, arsenic) and FAME	Issues detected through horizon scanning	• All fish (or shellfish if applicable) **oil supplements**, such as cod liver oil, in either **liquid or capsule/tablet** form • All size retailers	• 2	• 150g	• Q4

AUTHENTICITY TESTING								
16. FSS222316	**Battered, breaded fin-fish products**	Retailers	Fish Speciation	To check that labelling of species is accurate and detect substitution with alternative species.	• All size retailers. • Sampling targeted to fin-fish products with clear specification of species on the label to allow for assessment of compliance. • **Do not sample** shellfish products (e.g. do not sample scampi) • Samples should be tested for presence of other fish species	• 2	• 150g	• Q2
ALLERGEN TESTING								
17. FSS222317	**Pre-packed for direct sale (PPDS) products**	Retailers and caterers	Milk, Gluten, Almond and Cashew	Previous failures and to assess compliance with new legislation covering PPDS products	• Sample products with no indication of the presence of the allergens being tested (i.e. **do not sample** products specifically labelled "gluten-free", we are looking to sample products with no allergen mentioned and test for its presence) • Target "**on-the-go**" foods (sandwiches, salads, baked goods), the products that the PPDS legislation was intended for	• 1	• 200g	• Q3

Midlothian Council
Food Service Plan 2022 - 2023

DRAFT

Appendix B

Midlothian Food Law Enforcement

Review of Food Service plan 2021-2022

Food Standards Scotland require each local Food Authority to produce a periodic review of the authority's annual plan showing how it met the duty of the Authority to regulate and enforce food law in its area. The coronavirus pandemic caused the cessation of almost all routine on-site food inspection work from March 2020 onwards. This review covers the period from April 2021 to end of March 2022. During that period a plan to restart inspections work from October 2021 was presented to Council. However, the Omicron coronavirus variant and a further spike in COVID 19 cases in later 2021 significantly hampered the ability of the service to carry out inspection work.


1.0   Introduction

1.1   The role of the food service is to ensure that food businesses protect the public of Midlothian from harm that might arise from food; be it food borne infection, lack of labelling of allergens, fraud or contamination. We do this by the regular inspection of businesses, taking samples of food, through providing advice and by investigating complaints and concerns. We have enforcement powers to compel compliance with the law and to report offenders to the Procurator Fiscal. The customer base for our inspection, sampling and other regulatory activity is all of the food businesses operating in Midlothian.

1.2   The Framework Agreement on Official Feed and Food Controls by Local Authorities, issued by Food Standards Agency, requires food authorities to report on the performance of their food enforcement service each year.

1.3   This review reports on the activity of the Environmental Health Food Enforcement Service during the financial year 2021-22 and against the Food Service plan for the period 1 October 2021 to 31 March 2022. Due to pandemic demands on the service and infection control restrictions no food inspection plan was drawn up to start April 21.

1.4   During the plan staff numbers were affected by the loss of a part time Environmental Health Officer (EHO) and the recruitment of a full time one on a temporary basis. Staffing remains a challenge for the Service which is currently 25% under strength. The availability of qualified EHOs is currently an issue for all local authorities in Scotland.

1.5.   Food Service staff continued to provide support to the Covid 19 testing site and testing kit distribution, to the operation of the Council mortuary and worked closely with NHS Lothian Health Protection Team regards coronavirus outbreaks in identified premises.

1.6   A student undergraduate joined the establishment and has been progressing through their professional practice with a view to obtaining their degree and subsequently achieving their professional qualification in September 2023.

Appendix B

<u>**Midlothian Business Regulation 2021 -2022**</u>

2.0 Food Business profile

**2.1 As of 31 March 2022 there were 1015 registered food businesses in Midlothian.**

The number of food businesses in Midlothian continues to grow slowly at about 3% a year. (Figure 1) New or changed business registrations continued throughout the pandemic. Of note is that for the last 3 years 26% of the growth in food business numbers has come from domestic based operations – mostly small scale baking or confectionery making.

Figure 1
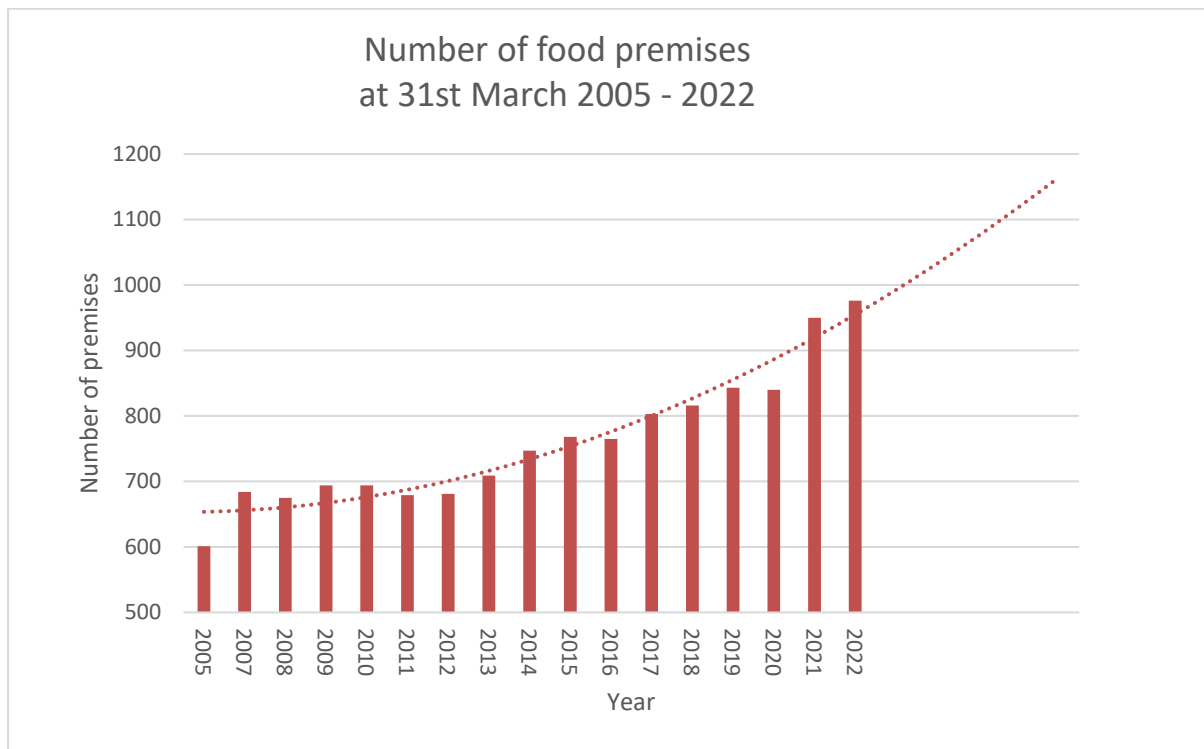
The effect of the pandemic on food business viability was unclear at the end of March 2022. Although food business operators are required to notify the authority when they cease trading few do. Information about changes in ownership is gathered from new registrations of existing premises when they change hands or when officers visit. Figure 2 shows the net change in food businesses over recent years.

Figure 2

Midlothian Business Regulation 2021 -2022

NET CHANGE IN NUMBER OF FOOD PREMISES AT END OF FINANCIAL YEAR 2021-22
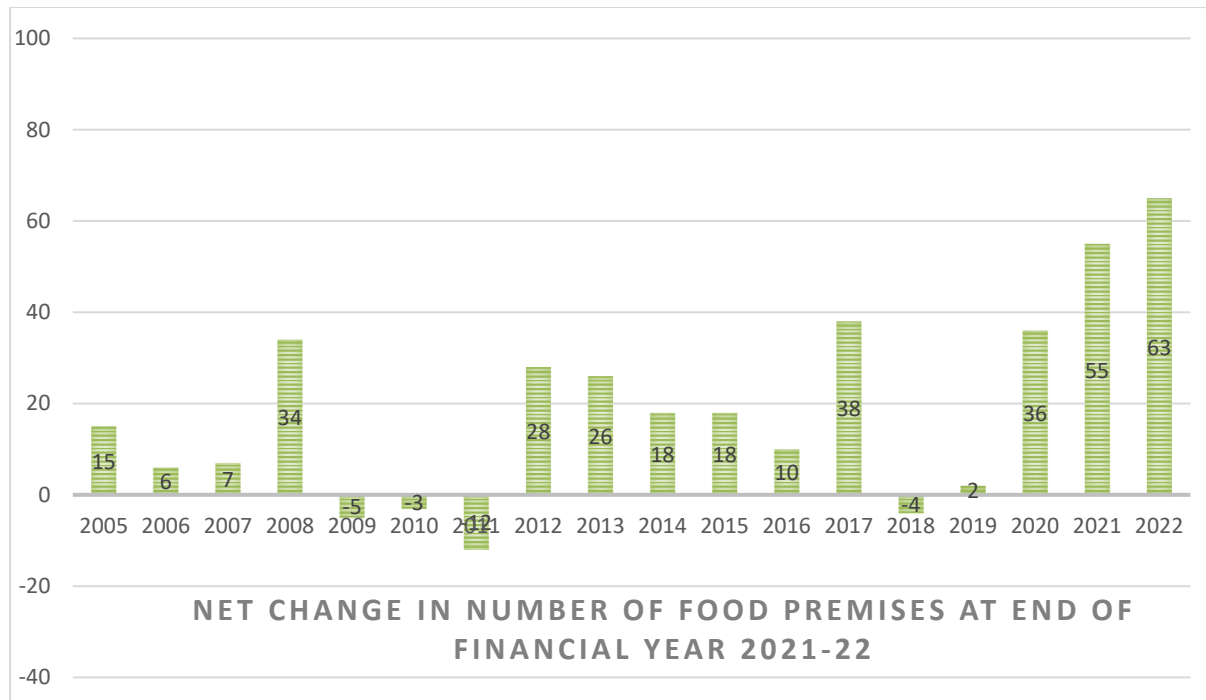
3.0   Performance against service plan objectives

Objective 1: Complete programmed Food Law inspections

3.1   During the financial year **the Service carried out inspections at 108 food businesses to assess compliance with food law (hygiene and food standards)**.

3.2   A new inspection programme was introduced to start in October 2021 and run for 6 months. However, the development of the Omicron variant of the coronavirus and the increase in COVID 19 numbers delayed and reduced inspection work.

In particular locations with populations more vulnerable to Covid 19 infection such as care homes and nurseries were postponed. Overall the Service accomplished 39% of the planned programme. (Table 1)

Objective 2: Approved premises intervention

3.3   Approved food manufacturing premises had contact during the pandemic but no on-site inspections of existing businesses were carried out. However, it was possible to complete the Approval of a new premises manufacturing meals for nursery school children.

Midlothian Business Regulation 2021 -2022

Table 1

Planned Food Safety Inspections		
Premises Risk Rating	Number of planned inspections	Number achieved
High risk (Annex 5 rated A and B premises. FLRS rated Group E and D premises)	86	38 (44.2%)
Medium risk (Annex 5 rated C premises. FLRS rated Group C premises)	80	18 (22.5%)
Low risk (Annex 5 rated D premises. FLRS rated Group A and B premises)	49	19 (38.8%)
New unrated premises	49	25 (51%)
Total	276	108 (39%)

Objectives 3 and 4: Complete sampling from manufacturing premises in Midlothian and National Sampling plans

3.4   During the financial year 106 official control samples were taken of which 76 were planned. The food sampling objectives for the October 21 to March 22 were substantially achieved. Details of the samples taken are given in Table 4.

3.5   About 18% of the samples taken have been reported as failing to comply with all requirements; some examples are shown below.

Labelling/compositional contraventions	
Dried meat and sausage	Product labels on a variety of products from the same Midlothian manufacture were missing allergen information, meat content, nutritional information of cooking instructions
Pasteurised milk	Insufficient fat in a sampled bottle of whole milk from Midlothian bottler
Chicken pakora and falafel	Labels on products from Midlothian manufacturer missing required nutritional information
Gin	2 products from manufacturer not properly labelled with alcohol content or a durability date
Physical contamination	

Midlothian Business Regulation 2021 -2022

Metal contamination of pasta meal and prepared sandwiches	Problem traced to damaged tin opener cutting blade which was tearing metal from the tin lids as it cut. The opener was replaced and a survey of other openers carried out by the food business operator to remove others which might also be damaged
Hard object in Blueberry and honey porridge oat bar	Object was identified as a stone probably introduced with cereal ingredients
Shelf stable orange juice with "growth"	Growth identified as fungal mat. A consequence of the seal on the container failing and drawing in fungal spores. Only a minute hole is required to admit air. Damage of this nature to the packing is usually very difficult to detect until the product is opened
Mouldy potato in tin of vegetable soup	Item was discovered to be piece of carrot which was likely mouldy before the tin was cooked by the manufacturer
Microbiological contamination	
Chicken and ham fried rice meal complainant alleges had made them ill	Food sampled grew an unsatisfactory level of enterobacteria which are an indication of poor storage conditions post cooking.

Objective 5 Commence investigation of 100% of food safety related requests for service within target working days

3.6   The Service received and responded to 508 service requests and complaints during the year of which 355 (70%) related to food safety matters. (Table 2)

The Service was able to respond to 72% of food service requests within target time.

In an average year, based on data from the last 10 years, the team receive approximately 430 service requests. However, officer numbers have been reduced and consequently the work isspread across fewer staff. This has also had an impact on programmed food inspection work. Early indications following the resumption of planned inspections are that standards in food premises have reduced requiring increased levels of intervention by officers to get the businesses back into a state of compliance.

The Service provided significant assistance to the Council catering service in relation to matters concerning allergen control and labelling. An investigation into contamination of school meals required significant resource.

Midlothian Business Regulation 2021 -2022

Table 2: **Service requests dealt with by Food Service 2021-22**

Nature of service request	Number
Alcohol Food certificate s50	5
Alleged food poisoning	27
ASB noise general	1
Building Standards Consultation	1
Caravan/Camping Sites	7
Contact from other LA about our premises	5
Contact tracing	8
Covid19	87
Employee workplace complaint	4
Engineers inspection defects report	3
Export certification	33
Food Alert for info PRIN AA	1
Food business registration	5
Food complaint other	24
Foreign body contamination	15
Freedom of Info Request	9
General Odours	2
Health and safety advice	24
Infectious Diseases	1
Labelling/composition	5
Late hours catering licence	4
Litter complaints	5
Miscellaneous Animals / Rodents	1
Pests present/infestation	3
Planning consultation	3
Poor hygiene/practices	19
Public complaint about workplace	3
Public enquiry	1
Public Entertainments Licence	25
Request for food law advice	65
Safety Advisory Group	50
Skin piercing licence	16
Street trader food certificate s39	13
Street Traders Licence	1
Temporary Market Operators Licence	6
Use by/best before	5
Waste storage arrangements	21
(blank)	
Grand Total	**508**

<u>**Midlothian Business Regulation 2021 -2022**</u>

3.7   The team were significantly engaged in additional activities including Covid 19 related work which accounted for 18% of requests. In 2021-22 Covid 19 requests made up 57% of all reactive activity. In addition the service also investigated 21 report of accidents in workplaces. One incident required a report to the Procurator Fiscal.

There has been an increase in workload associated with the Safety Advisory Group (SAG). This multidisciplinary group considers applications from organisers wishing to hold events in Midlothian.

Objective 6: Ensure all Authorised Officers receive a minimum of 10 hours food related competency training

3.8   The ongoing impact of the coronavirus pandemic restricted availability for training. One officer completed official training to become competent to authorise food export certificates.

4.0   Food Law Enforcement Activity

4.1   The nature and **levels of food law enforcement activity** required is summarised in Table 3.

Table 3: Enforcement and regulatory actions

Enforcement activity	Year										
	11-12	12-13	13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22
Remedial Action Notices	NA	2	3	0	1	0	5	2	2	1	2
Food detention Notices	0	0	0	0	0	0	1	0	0	0	0
Hygiene Improvement Notices	27	14	13	16	6	5	15	12	1	2	5
Hygiene Emergency Prohibition Notices	0	0	0	0	0	0	0	0	0	0	0
Voluntary Closures	1	0	0	1	0	1	0	0	0	0	0
Written Warnings re hygiene or standards contraventions	394	338	382	236	276	202	295	243	109	1	50
Reports to the Procurator Fiscal	0	0	0	0	0	1	0	1	0	0	0
Food surrenders or seizures	0	1	0	0	3	1	1	0	0	0	1

Midlothian Business Regulation 2021 -2022

5.0   Food related illness

5.1   Twenty cases of food related illness were notified and investigated, shown in figure 3. There were no identified food related outbreaks. Levels of notified food related illness appear to have been depressed during the pandemic. Levels have generally remained at or below about 5 per 10,000 population over the last 9 years. (Excluding Campylobacter infection which is not routinely notified to Midlothian EH).
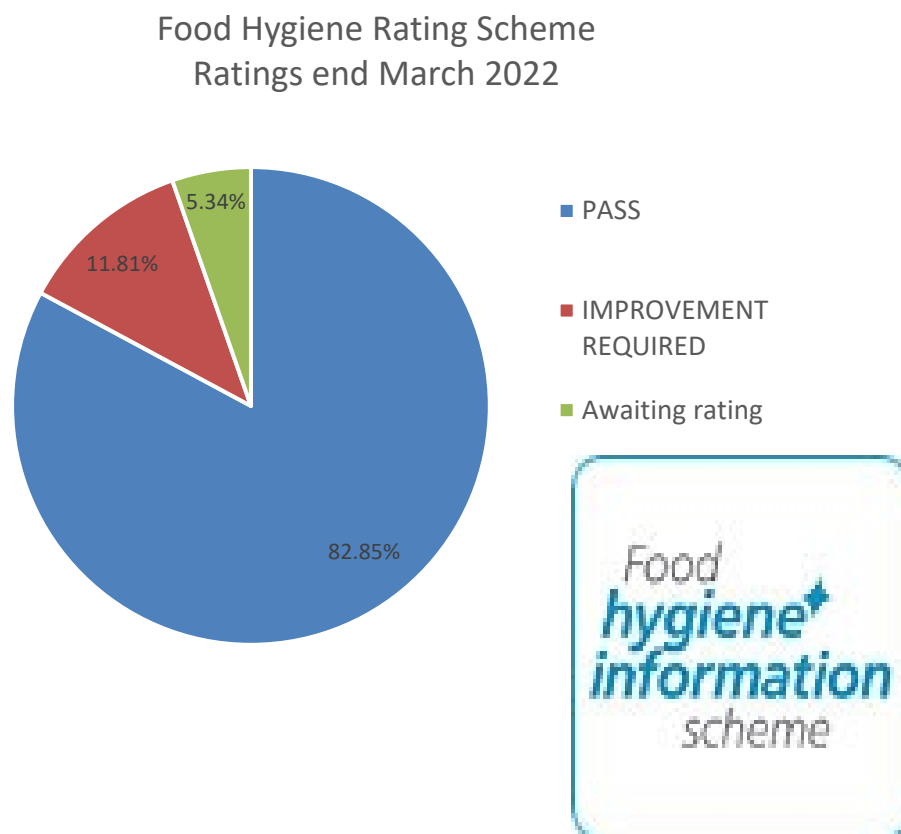
Figure 3

Infectious Disease notifications 2021-22
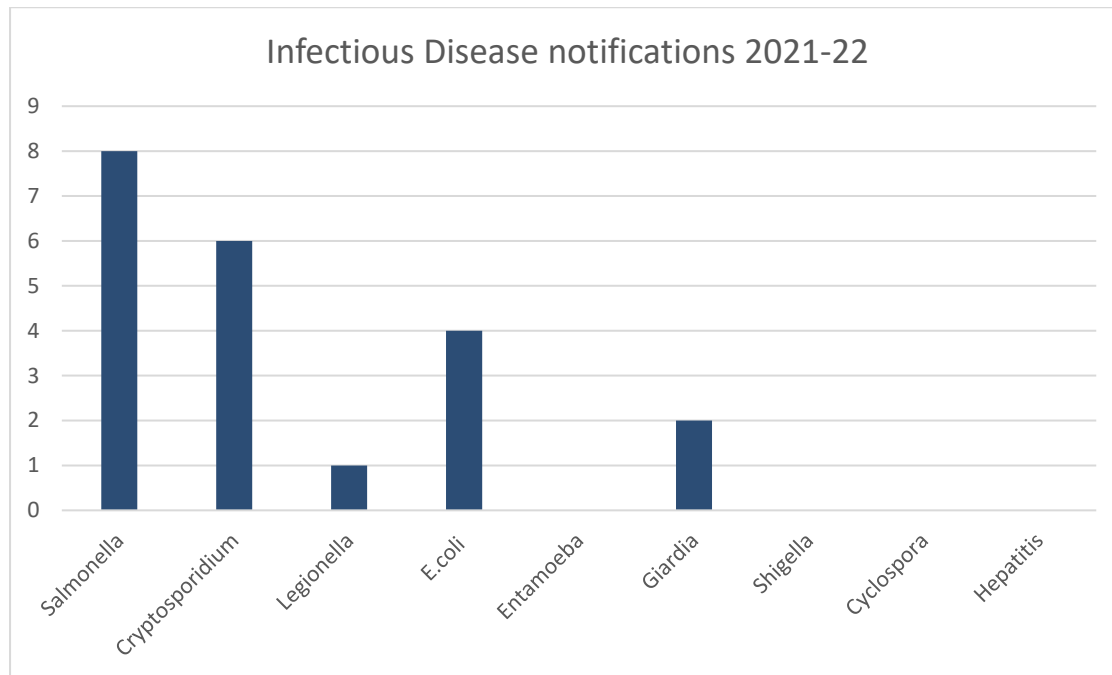
5.2   A non-food related infection investigation was carried out into a case of legionella. Comprehensive environmental sampling was carried out at the case address with examination performed by the public analyst. The causative organism was traced to potting compost and compost in a potted plant. As a consequence of the investigation the NHS Lothian updated its information concerning risks from potting compost and the analyst developed their techniques for examination of environmental soil and water samples.

5.3   A non-food related infection investigation was carried out into a case of Psittacosis – a disease associated with birds. The infection was likely to have been acquired at the patient's work as the individual often entered roof spaces and other area frequented by wild birds. However, the inside of a premises used by the business for storage was found to be contaminated with pigeon droppings and it is also possible that the infection was contracted at the business premises. Improvements to safety practices were subsequently required.

6.0   The **Food Hygiene Information Scheme** (FHIS) continues to operation across Scotland. This allows consumers to see the outcome of the assessment made of any

Midlothian Business Regulation 2021 -2022

business in the scheme when it was last inspected by the Environmental Health food service. A similar 5 star system operates in other parts of the UK. Businesses can choose to display a certificate at the premises and consumers can check the rating for any premises covered by the scheme on the Food Standards Agency website at http://www.food.gov.uk/scotland/. Display of ratings certificates is only compulsory in Northern Ireland and Wales. An inadvertent side effect of the scheme may be that it has seen some driving up of standards. For example, businesses are finding that a FHIS status of either "awaiting rating" or "PASS" is required for participation in on-line ordering platforms such as "Just Eat".

Generally a FHIS PASS certificate is a requirement for food vendors attending events in Midlothian which require a public entertainment licence.

The ratings for 681 relevant Midlothian food premises at the end of March 2022 are illustrated in Figure 3.

Food Hygiene Rating Scheme Ratings end March 2022

- PASS
- IMPROVEMENT REQUIRED
- Awaiting rating

5.34%
11.81%
82.85%

Table 4: Details of food samples taken 2020-21

Appendix B

Midlothian Business Regulation 2021 -2022

(not all results were available at the time of this report)

Count of Analysis type		Analysis type		
Category	Food description	Composition	Microbiology	Grand Total
Additives	ORGANIC RICE, ENZYMES & MICROBES		1	1
	Additives Total			1
Bakery Products and Cereal	BERRY GRANOLA CEREAL	1	0	1
	BLUEBERRY AND HONEY PORRIDGE OAT BAR	1	0	1
	CHOCOLATE CHIP OAT BISCUIT BREAKS	1	0	1
	PORRIDGE ROLLED OATS	1	0	1
	Bakery Products and Cereal Total	4		4
Dairy Products	COMTE	1	1	2
	COWS CREAM	2	2	4
	COWS MILK	1	3	4
	COWS MILK - SEMI SKIMMED	1	0	1
	DOUBLE CREAM	1	1	2
	MORBIER		1	1
	PASTEURISED SEMI SKIMMED MILK	1	0	1
	PASTEURISED WHOLE MILK	2	0	2
	RACLETTE		1	1
	SEMI SKIMMED MILK		2	2
	SEMI SKIMMED PASTEURISED MILK	2	0	2
	SINGLE CREAM	1	1	2
	SKIMMED		1	1
	SKIMMED MILK	3	1	4
	WHOLE MILK		2	2
	Dairy Products Total	15	16	31
Drinks	LDN DRY GIN	1		1
	ORANGE JUICE SMOOTH FROM CONCENTRATE		1	1
	TARTAN JUICE GIN	1		1
	Drinks Total	2	1	3
Eggs and Egg Products	EGGS		1	1
	Eggs and Egg Products Total		1	1
Fruit and Vegetables	ALMOND DRINK WITH ADDED CALCIUM AND VITAMINS	1		1
	BLUEBERRIED FRESHLY FROZEN		1	1
	DRINKING COCONUT MILK	1		1
	OAT DRINK	1		1
	SPINACH		1	1
	Fruit and Vegetables Total	3	2	5
Meat and Meat Products, Game and Poultry	4 RICH AND SAVOURY BLACK PUDDING SLICES	1		1
	BEEF AND PORK RAW SAUSAGES	1		1
	BEEF AND PORK SAUSAGES	1		1
	BEEF SAUSAGES	1		1
	BEEF SNACK MAP PACKED		1	1
	BLACK PUDDING	1		1

Midlothian Business Regulation 2021 -2022

	ECONOMY BURGERS	1		1
	GLUTEN FREE HAGGIS	1		1
	HAGGIS	4		4
	HAGGIS PUDDING	1		1
	LAMBS LIVER		1	1
	LEAN BEEF STEAK MINCE 5% FAT	1		1
	MAP PACKED BEEF SNACK	2		2
	MAP RTE BEEF SNACK	1		1
	MAP RTE BEEF SNACK	1		1
	MICROWAVABLE HAGGIS 130G	1		1
	RAW PIGEON BREAST		1	1
	RTE BEEF SNACK, MAP	1		1
	SCOTCH PIE	1		1
	SCOTCH PIES	1		1
	STEAK PIE	1		1
	STEAK PIES	1		1
	TRADITIONAL HAGGIS 454G	1		1
	TURKEY DINOSAURS	0	1	1
	VACPACKED BEEF SNACK	0	3	3
	VACPACKED BEEF SNACK	0	1	1
	VEGE HAGGIS	1		1
	VEGETARIAN HAGGIS	1		1
	WHITE PUDDING	1		1
Meat and Meat Products, Game and Poultry Total		27	8	35
Prepared Dishes	CHEESE SAVORY	0	1	1
	CHICKEN AND BACON	0	1	1
	CHICKEN AND HAM FRIED RICE	0	1	1
	CHICKEN PAKORA	1	1	2
	CHICKEN TIKKA		1	1
	CHICKEN W/TOMATO KORMA	1		1
	CHINESE CHICKEN		1	1
	CREAMY CHICKEN KORMA W/RICE	1	0	1
	FALAFEL	1	1	2
	HAGGIS PAKORA	1	1	2
	HAGGIS PIE	1	1	2
	HONEY CHILLI CHICKEN	0	1	1
	SANDWHICH	0	1	1
	VEGETABLE PAKORA	0	1	1
	VEGGIE QUICHE	1	1	2
Prepared Dishes Total		7	13	20
Soups, Broths and Sauces	TINNED SOUP		1	1
Soups, Broths and Sauces Total			1	1
Grand Total		**58**	**43**	**101**

APPENDIX C – Report Implications

C.1   Key Priorities within the Single Midlothian Plan

In terms of the key priorities of Midlothian Council the delivery of the food enforcement role as detailed in the Food Service Plan 2022/23 significantly contributes to reducing the gap in health outcomes. This is achieved by ensuring the safety of food and reducing the gap in economic circumstances by ensuring consistent and appropriate enforcement on all aspects of the industry engaged with.

C.2   Key Drivers for Change

Key drivers addressed in this report:

☐ Holistic Working
☐ Hub and Spoke
☐ Modern
☐ Sustainable
☐ Transformational
☐ **Preventative**
☐ Asset-based
☐ **Continuous Improvement**
☐ One size fits one
☐ None of the above

C.3   Key Delivery Streams

Key delivery streams addressed in this report:

☐ **One Council Working with you, for you**
☐ Preventative and Sustainable
☐ Efficient and Modern
☐ Innovative and Ambitious
☐ None of the above

C.4   Delivering Best Value

This report relates to the delivery of statutory obligations.

C.5   Involving Communities and Other Stakeholders

The Midlothian Council Food Service Plan is a requirement produced in accordance with Food Standards Scotland guidance to ensure delivery of the Council's statutory obligations.

APPENDIX D

Background Papers/Resource Links

Food Standards Agency Framework Agreement on Official Feed and Food Controls by Local Authorities

[Interventions Food Law Code of Practice (Scotland) 2019 | Food Standards Scotland](#)

THE FRAMEWORK AGREEMENT ON OFFICIAL FEED AND FOOD CONTROLS BY LOCAL AUTHORITIES

Amendment Five, April 2010

CONTENTS

Preface

Chapter One   Service Planning Guidance

Chapter Two   The Standard

Chapter Three   Monitoring of Local Authorities

Chapter Four   Audit Scheme for Local Authorities

Table of amendments issued

PREFACE

The Framework Agreement on official feed and food law controls, by local authorities, has been developed in consultation with the local authorities themselves, the local government associations and the professional bodies. It has been approved by the Enforcement Liaison Group[1].

This is Amendment number 5 to the original Agreement (which was introduced from 2001) and is effective from **1 April 2009**.

The Framework Agreement sets out what the Food Standards Agency expects from local authorities in their delivery of official controls on feed and food law. This Amendment has been updated to take account of the Agency's New Vision[2] for food law enforcement, and the FSA Framework for Regulatory Decision Making[3], which take account of the Government's better regulation agenda and of principles of good regulation.

The Agreement sets out the planning and delivery requirements of feed and food official controls, based on the existing statutory Codes of Practice. These provisions should be reflected in authorities' service plans operative from **1 April 2009**.

Details of the new monitoring system for local authority feed and food law enforcement, and of the new audit arrangements, are available as separate documents on the Agency website.

The operation and scope of the Framework Agreement remain under the oversight of the Enforcement Liaison Group, through its Sub-Group on the Framework Agreement.

---

[1] http://www.food.gov.uk/enforcement/enfcomm/elg/
[2] The Agency's New Vision for food law regulation is set out in paper PRO 06/10/02, approved by the FSA Board on 12 October 2006. This is available on the Agency's website.
[3] http://food.gov.uk/multimedia/pdfs/FSAregframework.pdf

Chapter One: Service Planning Guidance

Introduction

1   This guidance provides information on how service plans for official feed and food law controls should be structured, and on what they should contain. Service plans developed under these arrangements will provide the basis on which local authorities will be monitored and audited by the Food Standards Agency. This guidance should be read in conjunction with "The Standard" which can be found in Chapter Two.

Background

2   The Food Standards Agency has a key role as the central competent authority in overseeing official feed and food controls undertaken by local authorities. It also seeks to work in partnership with local authorities to help them to deliver official feed and food controls. The Agency is therefore pro-active in setting and monitoring standards, and in auditing local authorities' delivery of official controls, in order to ensure that this activity is effective, risk based, proportionate and consistent. Powers enabling the Agency to monitor and audit local authorities are contained in the Food Standards Act 1999and in the Official Feed and Food Controls Regulations.

3   Service plans are seen as an important part of the process to ensure that national priorities and standards are addressed and delivered locally. Service plans will also help local authorities to:

- follow the principles of good regulation;
- focus on key delivery issues and outcomes;
- provide an essential link with corporate and financial planning;
- set objectives for the future, and identify major issues that cross service boundaries;
- provide a means of managing performance and making performance comparisons; and
- provide information on an authority's service delivery to stakeholders, including businesses and consumers.

4   The Feed and Food Law Codes of Practice allow local authorities flexibility over how to deliver official feed and food controls. The service plan should set out how and at what level official feed and food controls will be provided, in accordance with the Codes of Practice.   When developing its service plan, an authority should make it clear what period the plan covers, and what arrangements have been put in place for the regular review and updating of the plan.

5   This guidance, which should be read in conjunction with Chapter 2 – "The Standard", provides local authorities with a service plan template, to ensure that all the areas of official feed and food controls covered by the Standard are included in the plan, whilst also allowing scope for locally defined objectives. The template will ensure that local authorities include in their service plans:

- information about the services they provide;
- the means by which they will provide those services, including the various requirements of the Standard;
- the means by which they will meet any relevant performance targets or performance standards; and
- a review of performance, in order to address any variance from meeting the requirements of the service plan and identification of areas for improvement.

Better Regulation

6   Local authorities should take account of the Government's better regulation agenda when planning and delivering their services. Key to this agenda are the five principles of good regulation:

- targeting (to take a risk-based approach);
- proportionality (such as only intervening where necessary);
- accountability (to explain and justify service levels and decisions to the public and to stakeholders);
- consistency (to apply regulations consistently to all parties); and
- transparency (being open and user-friendly).

7   To achieve those principles, the Government's better regulation programme includes a number of initiatives which local authorities will need to take account of in their Feed and Food service plans. As feed and food safety are devolved issues, the nature and impact of these initiatives will vary between the different parts of the United Kingdom.

8   The targeting of resources where they are most effective and at areas of highest risk is essential in providing the public with an effective service. It is the desired outcome, which may alter with changing circumstances, that should be the key influence when local authorities are selecting the appropriate interventions to be used. Attention should be given to longer term outcomes as well as short-term ones.

Common Format

9   Service plans are an expression of local authorities' own commitment to the development of the feed and food service. However, it is also important to consider the use made of the plans by the Food Standards Agency, which will require information about official feed and food control activities in a common format to enable it to assess local authorities' delivery of the service. In addition, service plans may be of use to other local authorities who will find analysis and comparison of their relative performance greatly facilitated by a common format. The guidelines are therefore structured in terms of a common format – with chapter and subject headings specified - and a general description of the content that should form part of each. There is no intention to remove local authority flexibility to include additional items under particular headings.

10   It is recognised that local authorities have had service plans for many years, and may have corporate style or templates that they wish to maintain. It is also recognised that some local authorities undertake the planning and review processes at separate times and issue the results of review as a separate document. Some local authorities include their plans for the feed and food service as part of a larger plan of authority services. While there is flexibility for local authorities to continue with a corporate format, they shall ensure that the information requirements in this guidance are included. Where feed or food service plans form part of broader corporate plans, the feed and food details shall be separately identifiable in their planning documents.

11   Similarly, in those cases where several authorities are unifying as a single authority, they should ensure that the requirements of this guidance are included and are separately identifiable in the planning documents for the new unitary authority. Where an enforcement service is shared between authorities, the requirements of this guidance should be identifiable in the planning documents for each authority.

12   Authorities should cover the following areas in their service plans for feed and food official controls:

 *   Service Aims and Objectives

 *   Background

*   Service Delivery

*   Resources

 *   Quality Assessment

 *   Review

Further guidance on the content of the plan in each of these areas is set out overleaf. However, each authority may choose its own way of formulating these plans – such as placing some aspects in management plans, and some in operational plans.

Member Approval

13   Authorities have the flexibility to decide locally whether or not service plans should be approved at Member level. To help to ensure local transparency and accountability, and to show their contribution to the authority's corporate plan, feed and food service plans and performance reviews should be approved at the relevant level established for that local authority, whether that is Member, Member forum, or suitably delegated senior officer level. Records should be kept to show that service plans have received appropriate approval.

Official Feed and Food Controls Service Plan Guidance

1. Service Aims and Objectives

1.1 Aims and Objectives	A statement of the service's aims and objectives.
1.2 Links to corporate objectives and plans	This section should identify how the service plan(s) fit into the Authority's corporate planning process and how it plays its part in meeting the Authority's objectives. This should include meeting any relevant national indicator. It should also identify any cross linkage with other plans that have been adopted by the Authority.

2. Background

2.1 Profile of the Local Authority	This section should include details of the population, size and nature of the Authority.
2.2 Organisational Structure	A simple chart showing the council services and committee structure which shows where the feed and food service fits in. The structure should identify the manager/s responsible for the delivery of official feed and food controls and the officer/s with specialist responsibility for food hygiene, food standards, and/or feedingstuffs if different, and the provision made for specialist services provided, for example, by public analysts, food examiners and agricultural analysts.
2.3 Scope of the Feed and Food Service	A brief statement that sets out the scope of the responsibilities and service provided. This should identify where areas of the feed and food service are provided by another organisation e.g. contractors. Any other services that are delivered alongside the feed and food service, e.g. health and safety inspections, can be described here.
2.4 Demands on the Feed and Food Service	This section should include a brief outline of: • the establishments profile • the number of approved or registered establishments in the Authority's area; • any particular local requirements associated with specialist or complex processes.

	The section should detail:
	• the service delivery points used by the Authority and • the times at which the service is available from these points. This section also enables the Authority to describe any external factors that may impact on their service. For example: • the percentage of business owners whose first language is not English, • the percentage of food establishments that are manufacturing foods, • imported feed/food responsibilities, or • seasonal activities.
2.5 Regulation Policy	A brief reference statement to the Authority's documented enforcement policy.

3. Service Delivery

3.1 Interventions at Food and Feedingstuffs establishments	A statement in relation to the Authority's policy on interventions and how they will be selected in individual cases, including details of the programme of interventions at feed/food establishments to be undertaken. This should include the establishments profile, the numbers of interventions programmed, an estimation of the number of revisits that will be made, and an estimation of resources required e.g. staffing. The plan should also detail any targeted intervention activity that the Authority intends to carry out including any extra resources this may require; this could include specific project work. The Authority should identify any priorities relating to nationally or locally driven outcomes, such as compliance with new legislation or improved compliance with existing legislation and other central government initiatives. The section should include, where appropriate, the arrangements the Authority has made to ensure that they have access to adequate appropriate expertise to enable competent inspection of any specialised processes identified in Section 2.
3.2 Feed and Food Complaints	A statement in relation to the Authority's policy regarding the investigation of feed and food complaints including an estimation based on previous years' trends of the likely demand on the service and an estimation of the resources required.

3.3 Home Authority Principle and Primary Authority Scheme	A statement in relation to the Authority's policy on the Home Authority Principle and, where applicable, the Primary Authority Scheme, including an estimation of the resources required in relation to meeting and advising those businesses for whom it acts, developing intervention plans for those businesses for whom it is the Primary Authority, and responding to enquiries from other enforcing authorities..
3.4 Advice to Business	A statement in relation to the Authority's policy regarding advice to business (as part of the overall policy of interventions) including an estimation of the number of contacts from business and the resources necessary to provide the service. This section should include, where appropriate, any input the Authority has to business partnerships or forums.
3.5 Feed and Food Sampling	A statement in relation to the Authority's sampling policy including the basis of the sampling programme and an estimate of the numbers of samples that will be taken from establishments, or submitted in relation to complaints, and any relevant resource allocation including staffing. It should also detail the arrangements that the Authority has made for the analysis and/or examination of the samples.
3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease	A statement in relation to the Authority's policy on the investigation of food poisoning notifications and outbreak control including an estimation based on previous years' trends of likely demand on the service and an estimation of the resources required.
3.7 Feed/Food Safety Incidents	A statement in relation to the Authority's policy on handling food alerts to confirm that it complies with the relevant Codes of Practice; an estimation of the likely demand on the service and an estimation of the resources required.
3.8 Liaison with Other Organisations	The Authority should set out the arrangements it has made to ensure that enforcement action taken in its area is consistent with those of neighbouring local authorities. This section should include: • any liaison the Authority has with other authorities; • any liaison, where appropriate, with LBRO; • any arrangements with other official control bodies or government inspectorates to co-ordinate feed and food controls;

	- any representation on Government working groups or committees; - liaison with professional body working groups; - liaison and involvement/participation with LACORS advisory groups and similar or related bodies; - any formal liaison with voluntary groups and other public sector bodies e.g. Health Authorities; - any formalised liaison with other services within the Authority e.g. review of building control applications; - any commitment to local/regional groups. An estimation of the resource allocation should be included.
3.9 Feed and Food Safety and Standards promotional work, and other non-official controls interventions	A statement of any feed/food safety promotional work, or information/intelligence gathering work, which the Authority intends to carry out in the year and the measures it will use to evaluate its effectiveness, with an estimate of the resource allocation including staffing to undertake this work.

4. Resources

4.1 Financial Allocation	This section should set out the overall level of expenditure involved in providing the service and examine the trend of growth or reduction in real terms. Detail shall be provided in terms of the non-fixed costs including staffing, travel and subsistence, equipment including investment in IT, sampling budgets and the financial provision made by the Authority for any legal action necessary as part of their enforcement function.
4.2 Staffing Allocation	A statement of the number of posts required to deliver the service, and of the number of staff working on feed/food law enforcement and related matters (in terms of full time equivalents); this should distinguish qualified staff from support staff.. These figures should be expressed in terms of levels of competency with reference to the appropriate Codes of Practice, including support staff.
4.3 Staff Development Plan	A statement in relation to any relevant ongoing training, including that to be provided in-house and externally for authorised and trainee officers in the year ahead.

5. Quality Assessment

5.1 Quality assessment and internal monitoring	A statement specifying the measures to be taken to assess the quality of the Authority's service including any relevant monitoring arrangements developed by the Authority to assess performance against the Standard. This should include any agreed inter-authority audit or peer review arrangements. The Authority will also wish to include details of any externally accredited or self assessment models used.

6. Review

6.1 Review against the Service Plan	The Authority should set out the process for reviewing and reporting delivery of the service plan. This should include information on the previous year's performance against the service plan and any specified performance targets and performance standards and targeted outcomes.
6.2 Identification of any Variation from the Service Plan	The review should identify where the Authority was at variance from their service plan and, where appropriate, the reasons for that variance. The Authority may determine that additional work it has carried out in other areas of the enforcement mix has achieved the same objective. This should be clearly identified in this part of the plan.
6.3 Areas of Improvement	The Authority should set out plans for any relevant improvement or service development identified as necessary by the review or the quality assessment.

Chapter Two: The Standard

Introduction

This Chapter brings together the obligations on feed and food law enforcement authorities on official controls arising from existing legislation, statutory Codes of Practice and related guidance, and sets out the requirements for the planning, management and delivery of local authority feed and food law enforcement services.

Local authorities will need to ensure that the services they provide to support and achieve business compliance with the law address the whole package set out in the Standard, and that they deliver appropriate activities and actions in line with the better regulation policies applicable in their part of the United Kingdom.

The Standard

1   Scope

This Standard specifies the arrangements to be put in place and implemented by an Authority for the enforcement of food hygiene, food standards, feed law and imported feed and imported food legislation.

The Standard is applicable to those activities which should be included in an Authority's feed/food service. References to "Codes of Practice" in the Standard mean the Feed Law Enforcement Code of Practice (Great Britain) and the Food Law Codes of Practice issued in each of the countries in the United Kingdom, unless otherwise stated.

2.   Terms and definitions

For the purposes of this Standard the following terms and definitions apply.

2.1   Authority

Any local authority whose responsibilities cover either food hygiene, food standards or feedingstuffs law enforcement, or a combination of those activities. This also includes port health authorities and authorities with points of entry for imported foods or feedingstuffs.

3   Organisation and Management

3.1   The Authority shall draw up, document and implement a service delivery

plan in accordance with the Service Planning Guidance in Chapter 1.

3.2   A performance review shall be carried out by the Authority at least once a year based on the service delivery plan, documented and submitted for approval to either the relevant member forum or, where approval and management of service delivery plans has been delegated to senior officers, to the relevant senior officer.

3.3   Any variance in meeting the service delivery plan shall be addressed by the authority in its subsequent service plan.

4   Review and Updating of Documented Policies and Procedures

4.1   The Authority shall ensure that all documented policies and procedures for each of the enforcement activities covered by this Standard are reviewed at regular intervals, and whenever there are changes to legislation or centrally issued guidance.

4.2   The Authority shall set up, maintain and implement a control system for all documentation relating to its enforcement activities.   Whichever medium is chosen, such as electronic format or hard copy, the system shall ensure that:

        a) up to date copies of the appropriate documentation including legislation and guidance are available at all relevant locations and to all relevant staff;

        b) all changes to documents or amendments to documents are covered by the correct authorisation and are carried out without undue delay to ensure timely availability; and

        c) superseded documents are removed from use throughout the Authority.

5   Authorised Officers

5.1   The Authority shall set up, maintain and implement a documented procedure for the authorisation of officers based on their competence and in accordance with the relevant Codes of Practice and any centrally issued guidance.

5.2   The Authority, where it is responsible for the enforcement of food hygiene, food standards and/or feed legislation, shall appoint an officer/s with specialist knowledge to have lead responsibility for that legislation. Where the Authority has specific responsibilities, for example it is a UK point of entry or it has establishments approved in accordance with Regulation (EC) No 853/2004, it should ensure that officers have the necessary specialist knowledge.

5.3   The Authority shall appoint a sufficient number of authorised officers to carry out the work set out in the service delivery plan. The level of authorisation and duties of officers should be consistent with their qualifications, training, experience and the relevant Code of Practice.

5.4   The Authority shall ensure that all authorised officers and appropriate support staff receive the training needed to be competent to deliver the technical and

administrative aspects of the work in which they will be involved, in accordance with the Code of Practice.

5.5   Records of relevant academic or other qualifications, training and experience of each authorised officer and appropriate support staff shall be maintained by the Authority in accordance with the relevant Codes of Practice.

6   Facilities and Equipment

6.1   The Authority shall make available the necessary facilities and equipment that are required to the effective delivery of all activities associated with the service to be provided.

6.2   The Authority shall ensure that equipment is properly maintained and calibrated, and is removed from service when found to be defective. To support this task, it shall set up, maintain and implement a documented procedure, which should include identification of equipment, evidence of maintenance and calibration, and the results of any in service checks.

6.3   Any computer software package or other method of record administration used by the Authority shall be reliable and capable of providing any information reasonably requested by the Food Standards Agency. Such systems shall be operated in such a way so as to be able to provide required information to the Agency.

6.4   The Authority shall set up, maintain and implement appropriate back up systems for any electronic databases, and systems or documented procedures which have been designed to minimise the risk of corruption or loss of information held on its databases. The Authority should ensure that reasonable security measures are in place to prevent access and amendment by unauthorised persons.

7   Food and Feedingstuffs Establishments Interventions and Inspections

7.1   The Authority shall carry out interventions/inspections (as required by the relevant Code of Practice) at all food hygiene, food standards and feedingstuffs establishments in their area, at a frequency which is not less than that determined under the intervention rating schemes set out in the relevant legislation, Codes of Practice or other centrally issued guidance.

7.2   The Authority shall carry out interventions/inspections, and approve or register establishments in accordance with the relevant legislation, Codes of Practice, centrally issued guidance and the Authority's policies and procedures.

        NOTE: Establishments includes any ship or aircraft of a description specified in the relevant legislation.

7.3   The Authority shall assess the compliance of establishments and systems in their area to the legally prescribed standards.

NOTE: In assessing compliance, the Authority shall (as required by Article 10(2) of Regulation (EC) No 882/2004) take into account any relevant Industry Guides to Good Hygiene Practice and have regard to any other relevant centrally issued guidance.

The Authority shall take appropriate action on any non-compliance found, in accordance with the Authority's enforcement policy.

7.4 The Authority shall set up, maintain and implement documented procedures for the range of interventions/inspections/it carries out.

7.5 Observations made and/or data obtained in the course of an inspection/intervention shall be recorded in a timely manner to prevent loss of relevant information. Officers' contemporaneous records of interventions shall be legible and stored in such a way that they are retrievable.

8 Food, Feed and Food Establishments Complaints

8.1 The Authority shall set up, maintain and implement a documented policy and procedure(s) in relation to complaints about food and feed that originate within the UK, and those foods and feed originating from other EU member states, or from third countries and in relation to complaints against feed and food establishments. Procedures should cover any referral arrangements to inland authorities and/or authorities with responsibility for imported food and feed controls at the UK point of entry.

8.2 The Authority shall investigate complaints received in accordance with the relevant Code of Practices, centrally issued guidance and the Authority's policies and procedures.

8.3 The Authority shall take appropriate action on complaints received in accordance with the Authority's enforcement policy.

9 Primary Authority Scheme and Home Authority Principle

9.1 Where a Primary Authority partnership has been established for a business, under the terms of the Regulatory Enforcement and Sanctions (RES) Act 2008, and any Orders under that Act, the Primary Authority shall act in accordance with the relevant requirements and guidance. A Primary Authority partnership can cover the full range of regulatory service, or specific functions, such as health and safety; food safety or product labelling. Where a Primary Authority partnership has not been established for a business for a particular function, the Home Authority principle will continue to apply:

9.2 The Authority shall provide advice to businesses on legal compliance where they act as home and/or originating authority.

9.3 The Authority shall have regard to any information or advice it has received from any liaison with home and/or originating authorities.

9.4 The Authority shall liaise with the home and/or originating authority of a

business whose feed/food and/or premises have been subject to an intervention, and offences identified which are, or appear to be, associated with the business's centrally defined policies and procedures.

9.5 During a complaint investigation, the Authority shall liaise with the home and/or originating authority regarding matters which are or may be associated with the business's centrally defined policies or procedures.

9.6 The Authority shall liaise with the home and/or originating authority of a business in relation to any unsatisfactory samples which are or may be associated with the business's centrally defined policies or procedures.

9.7 The Authority, having initiated liaison with any home and/or originating authority, shall notify that authority of the outcome.

10   Advice to Business

10.1 The responsibility to comply with feed and food law rests with the business operator. As part of its approach to enforcement, the Authority shall work with businesses to help them comply with food and feed legislation. This may include, for example:

- running training courses/seminars (in accordance with the requirements in the Codes of Practice for avoiding potential conflicts of interest) ;

- providing advice during interventions;

- business information sheets;

- responding to queries; and

- dialogue with business through local business partnerships or similar fora.

11   Food and Feed Establishments Database

11.1 The Authority shall set up, maintain and implement a database of the food and feed establishments in its area.

11.2 The Authority shall set up, maintain and implement a documented procedure to ensure that its food and feed premises database is accurate, reliable and up to date, as the accuracy of such databases is fundamental to service delivery and monitoring.

12   Food and Feed Inspection and Sampling

12.1 The Authority shall ensure that food and feedingstuffs are inspected at all food and feed establishments, in accordance with relevant legislation, Codes of Practice and centrally issued guidance, to ensure that food and feed meet legally prescribed standards.

12.2 The Authority shall take appropriate action on any non-compliance found in accordance with the Authority's enforcement policy.

12.3 The Authority shall set up, maintain and implement documented procedures for the inspection of food and feedingstuffs.

12.4 The Authority shall set up, maintain and implement a documented sampling policy and programme that shall accord with any centrally issued or relevant guidance, and relevant Codes of Practice and shall include reference to its approach to any relevant national sampling programme centrally co-ordinated by the Food Standards Agency.

> NOTE: The Authority should consider the nature of its food and feed establishments, and where applicable the nature of imported foods and feed, and also have regard to any relevant sampling programme centrally co-ordinated by the FSA, LACORS and the HPA and in Scotland, SFELC (the Scottish Food Enforcement Liaison Committee), in Wales the Welsh Food Microbiological Forum and the Welsh National Public Health Service and in Northern Ireland, the Public Health Laboratory.

12.5 The Authority shall set up, maintain and implement documented procedures for the procurement or purchase of samples, continuity of evidence and the prevention of deterioration or damage to samples whilst under its control in accordance with the relevant Codes of Practice and centrally issued guidance.

12.6 The Authority shall carry out sampling in accordance with its documented sampling policy, procedures and programme.

12.7 The Authority shall take appropriate action in accordance with its enforcement policy where sample results are not considered to be satisfactory.

12.8 The Authority shall, where appropriate, ensure a Public Analyst, and/or Agricultural Analyst is appointed to carry out examinations and analyses of food and feed samples. In making these appointments all relevant legal requirements and Codes of Practice shall be satisfied. All samples for examination should be submitted to a Food Examiner at a laboratory accredited for the purpose of examination.

13 Control and Investigation of Outbreaks and Food Related Infectious Disease

13.1 The Authority shall set up, maintain and implement a documented procedure which has been developed in association with all relevant organisations in relation to control of outbreaks of food related infectious disease in accordance with relevant central guidance.

13.2 The Authority shall set up, maintain and implement a documented procedure which has been developed in accordance with centrally issued guidance, and in association with all relevant organisations for the investigation of notifications of food related infectious disease.

13.3   All records relating to the control and investigation of outbreaks and food related infectious disease shall be kept for at least 6 years.

14   Feed and Food Safety Incidents

14.1   The Authority shall set up, maintain and implement a documented procedure for initiating and responding to feed and food alerts, in accordance with the relevant Codes of Practice. For UK points of entry, this procedure should also address RASFF notifications and relevant EC decisions. This procedure shall also include out of hours contact arrangements.

14.2   The Authority shall maintain a computer system capable of receiving feed and food alerts.

14.3   The Authority shall document its response to and the outcome of each feed and food alert.

14.4   The Authority shall set up, maintain and implement a documented procedure for responding to feed and food safety incidents.

        NOTE: Feed and food safety incidents might be notified as part of the feed and food alert warning systems (see 14.1 above) or as separate notifications from the Food Standards Agency.

14.5   The Authority shall notify the Food Standards Agency of any serious localised incident or a wider feed/food safety problem in accordance with the relevant Codes of Practice.

15   Enforcement

15.1   The Authority shall set up, maintain and implement a documented enforcement policy, in accordance with the relevant Codes of Practice and other official guidance. This policy shall be approved by the relevant Local Authority Member forum or, where approval and management of service delivery plans has been delegated to senior officers, by the relevant senior officer
.
        NOTE: The enforcement policy or an accurate summary should be readily available to the public and food businesses in the Authority's area.

15.2   The Authority shall set up, maintain and implement documented procedures for follow up and enforcement actions in accordance with the relevant Codes of Practice and official guidance.

15.3   The Authority shall carry out food law enforcement in accordance with the relevant Codes of Practice and centrally issued guidance.

15.4   All decisions on enforcement action shall be made following consideration of the Authority's enforcement policy. The reasons for any departure from the criteria set out in the enforcement policy shall be documented.

16   Records and Interventions/Inspections Reports

16.1   The Authority shall maintain up to date accurate records in retrievable form on all food and feed establishments in its area, and for all relevant checks on imported food and feed, in accordance with Codes of Practice and centrally issued guidance. These records shall include reports of all interventions/inspections, the determination of compliance with legal requirements made by the authorised officer, details of action taken where non-compliance was identified, details of any enforcement action taken, results of any sampling, details of any complaints and any action taken, and also relevant food and/or feed registration and approval information. The authority should also record, with reasons, any deviations from set procedures.

16.2   All records shall be kept for at least 6 years unless they have been marked for longer retention because of litigation or Local Government Ombudsmen review.

17   Complaints About the Service

17.1   The Authority shall set up, maintain, implement and make readily available to the public and the food and feed businesses in its area, a documented complaints procedure regarding complaints about the service.

17.2   The Authority shall investigate complaints received in accordance with the relevant centrally issued guidance.

17.3   A record shall be made of all complaints received and of the actions taken by the Authority in response to those complaints.

18   Liaison with Other Organisations

18.1   The Authority shall put in place liaison arrangements with neighbouring authorities and any other appropriate body, to facilitate efficient, effective and consistent enforcement in accordance with the relevant Codes of Practice and centrally issued guidance.

18.2   The Authority shall also put in place liaison arrangements with other official control bodies or government organisations, aimed at rationalising enforcement and reducing burdens on businesses.

19   Internal Monitoring

19.1   The Authority shall set up, maintain and implement documented internal monitoring procedures in accordance with Article 8 of Regulation (EC) 882/2004 (Official Feed and Food Controls), the relevant Codes of Practice and centrally issued guidance.

19.2   The Authority shall verify its conformance with this Standard, relevant legislation, the relevant Codes of Practice, relevant centrally issued guidance and the Authority's own documented policies and procedures.

19.3   A record shall be made of all internal monitoring. This should be kept for at least 2 years.

20   Third Party or Peer Review

20.1   The Authority shall participate in any appropriate third party or peer review process against the Standard.

20.2   Where the Authority participates in such processes, this should include the implementation of effective remedial actions to address non-conformances with the Standard identified through the processes.

21   Food and Feed Safety and Standards Promotion

21.1   The Authority shall promote food and feed safety and standards.
For example this may include:

*   food safety and standards awards or competitions;

*   participation in co-ordinated food and feed safety and standards ``` campaigns;

*   partnerships with voluntary organisations, the community and other agencies with a view to targeting specific groups;

*   targeted dissemination of information on food and feed safety and standards issues;

*   supporting food safety and standards training in schools and colleges; and

*   raising awareness of imported food controls (this applies to all authorities, not solely those covering ports of entry).

21.2   The Authority shall maintain records of its food and feed safety and standards promotions.

Chapter Three: Monitoring of Local Authorities

Introduction

1   As part of its duties under the Food Standards Act 1999, and in accordance with the requirements of Regulation (EC) No 882/2004 on official controls, the Food Standards Agency is responsible for monitoring and reporting the performance of enforcement authorities in enforcing relevant legislation on feed and food safety.

2   The Agency therefore collects key data on how each local authority is delivering feed and food law enforcement, on an annual basis. This is achieved through the Local Authority Enforcement Monitoring System (LAEMS) which was introduced in April 2008, and is applicable from the financial year 2008/09 onwards.

Key Documents

3   The relevant documents to guide local authorities on how to implement LAEMS are available on the Agency's website:
http://food.gov.uk/enforcement/

Areas of data collected

4   The areas of data collected by LAEMS include:

- the number of feed, and of food establishments, categorised by types;
- the numbers of interventions/inspections due, in accordance with the Codes of Practice, and the number of interventions/inspections carried out;
- the rating scores awarded:
  - (a) for food hygiene:
    - compliance with the law, hygiene;
    - compliance with the law, structure;
    - confidence in management/control systems;
  - (b) for food standards:
    - level of current compliance; and
    - confidence in management/control systems
  - (c) for feed law:
    - level of current compliance; and
    - confidence in management/control systems.
- the number of food samples taken for analysis, categorised by type of analysis;
- the number of feed samples categorised by type of analysis;
- the number of enforcement actions taken, categorised by type of action, and type of reason for that action.

5   LAEMS collects data for each feed/food establishment in the authority's area, and provides overall summaries which the Authority is required to amend, validate and agree.

Uses of the data

6   The Agency will use the data provided to assess both the levels of authorities' actions to deliver official controls, and the outcomes (in terms of business compliance levels) achieved by those actions. The outcome measure being applied from 2008/09 is the percentage of food establishments for which the Authority is responsible that are deemed to be "broadly compliant" with food law, based on the detailed rating scores awarded by the Authority's authorised officers. Further details are set out in relevant documents on LAEMS on the Agency's website, and in the Food Law Codes of Practice.

7   The data collected via LAEMS will be used by the Agency for the following purposes:

- to report feed and food control activities for the UK to the European Union, as part of the annual reports on the implementation of the UK's National Control Plan under Regulation (EC) No 882/2004;

- to report national data on feed and food control activities, trends and (for food businesses) compliance levels to the FSA Board;

- to identify levels of business compliance achieved (a key issue for the Agency) and of food control activity, by individual authority, to:

    - ensure effective feed and food law services are in place locally;
    - inform the Agency's audit programmes;
    - provide benchmarks for LAs; and
    - help inform the UK enforcement strategy.

- for English LAs, to assess performance against NI 184, the National Indicator for business compliance levels – which forms part of the CAA performance framework.

Details of the monitoring data submitted by each LA will be published annually on the FSA website.

8   The Agency will consult Authorities and other stakeholders, over any proposed changes to the use made of monitoring data.

Key definitions

9   The key definitions used in LAEMS, and in its analyses, are set out in guidance available on the Agency website at
            http://www.food.gov.uk/enforcement/

10   These definitions include:

- categories of feed/food establishments;
- categories of interventions;
- types of enforcement action;
- reasons for enforcement actions;
- types of samples;
- types of advisory and educational work.

Chapter Four: Audit Scheme for Local Authorities

Introduction

1   As part of its duty under the Food Standards Act 1999 of monitoring the performance of enforcement authorities, the Food Standards Agency has the powers to request information relating to enforcement action, and to make reports to any enforcement authority on their performance in enforcing relevant legislation. The Agency is also required to audit enforcement authorities in accordance with Regulation (EC) No 882/2004, and to follow relevant EC regulations, decisions and guidance.

2   The Framework Agreement audit scheme sets out the arrangements through which the Agency will audit local authorities' enforcement activities, to help ensure that local authorities are providing an effective service to protect public health and animal health.

Aims

3.   The aims of the audit scheme are to:

- help to protect public health and animal health by promoting effective local enforcement of feed and food law;

- maintain and improve consumer confidence;

- carry out risk-based audit programmes that provide a means to identify under performance in local authority feed and food law enforcement;

- assist in the identification and dissemination of good practice to aid consistency;

- provide information to aid the formulation of Agency policy;

- promote conformance with the "Feed and Food Law Enforcement – Standard" (the Standard) and any relevant central guidance or statutory Codes of Practice;

- promote self regulation and Peer Review such as Inter Authority Auditing (IAA); and

- identify continuous improvement and good practice for wider dissemination.

Scope

4   The audit programme will cover all local authorities. The audit scheme will assess a local authority's conformance against the Standard and any associated guidance. The arrangements will cover the full range of local authority feed and food law enforcement activity i.e. food standards, food safety, animal feed and imported food, both at ports of entry at which imported feed and food is handled and checks made by inland authorities.

Key Documents

5   The key documents on the detailed operation of the Agency's audit scheme, including process timetables and audit report publication arrangements are available on the Agency's website at:
       http://www.food.gov.uk/enforcement/auditscheme/

Complaints and disputes

6   Mechanisms are in place for resolving complaints and disputes by local authorities arising from feed and food service audits undertaken by the Agency. Details are available on the Agency's website.

Publication of audit reports

7   Information on local authority enforcement performance will be placed in the public domain. Audit reports will be issued to local authorities with the expectation that the reports will be presented to elected members within the appropriate local public forum. Copies of final audit reports will be placed on the Food Standards Agency website.

Follow-up action

8   Food Standards Agency follow-up action to Agency audits will depend on the level and type on non-conformance identified and the action plan produced by the local authority. Follow-up arrangements by the Agency will, in some circumstances, include revisits to local authorities. Where these arrangements identify a local authority failing to implement all or part of their action plan, subsequent Agency action will be considered on a case by case basis.

Contacts

9   Details of contact points in the Agency's offices in Aberdeen, Belfast, Cardiff and London are available on the Agency's website.

Review of the audit scheme

10   The Agency will keep the principles, operation and scope of the audit scheme under review.

Interventions
Food Law Code of Practice
(Scotland)

---

[1] 1990 CHAPTER 16

[2] SSI 2006 No. 3

[3] SSI 2009 No. 446

Foreword

The Interventions – Food Law Code of Practice (Scotland) 2019 (hereafter referred to as the Interventions Code 2019) is issued under section 40 of the Food Safety Act 1990, regulation 24 of the Food Hygiene (Scotland) Regulations 2006, and Regulation 6 of the Official Feed and Food Controls (Scotland) Regulations 2009. Scottish Ministers are empowered under this legislation to issue Codes of Practice (including Codes of Recommended Practice concerning the execution and enforcement of Food Law by Food Authorities. In turn, Food Authorities (may also be referred to as Enforcement Authorities and Local Authorities) are required to have regard to such Codes when discharging their duties, and follow the provisions of the Code that apply to them. Food Authorities may be directed to take specific steps in order to comply with a Code. The Interventions Code 2019 does not apply to establishments at the level of **Primary Production or Approval.**

In February 2014 the Scottish Food Enforcement Liaison Committee (SFELC) set up a Working Group to address recommendation 57 of the Scudamore Report commissioned by Scottish Ministers following the horse meat incident. The group were tasked with examining the existing arrangements in Annex 5 of the Food Law Code of Practice (Scotland) and to assess whether an alternative regime would deliver more effective prioritisation of Food Law enforcement in Scotland.

The key findings of the group were:

'The Group's unanimous view was that the conflation of food safety and standards into one food law inspection will benefit local authorities, consumers and the industry. It will ensure that the profile of food standards will be raised whilst reducing duplication and bureaucracy caused by two inspection schemes. Importantly, Local Authorities will be able to target resources on high risk and non-compliant businesses.'

The Interventions Food Law Code of Practice (Scotland) 2019 has been created to incorporate the following changes;

- Introduction of the Food Law Rating System. (FLRS).

- Alignment with Food Standards Scotland's Regulatory Strategy.

- Alignment to reflect Food Standards Scotland's Strategy to 2021 and the Scottish Government's approach to Better Regulation as set out in the Scottish Regulators' Strategic Code of Practice.

Table of Contents

1. Introduction

The statutory basis for the Interventions Code 2019 and overarching duties on Local Authorities is as follows:

1. The Interventions Code 2019 is issued under section 40 of the Food Safety Act 1990 ("the Act"), Regulation 24 of the Food Hygiene (Scotland) Regulations 2006 and regulation 6 of the Official Feed and Food Controls (Scotland) Regulations 2009 which empowers the Scottish Ministers to issue Codes of Practice concerning the execution and enforcement of Food Law by Food Authorities. The Interventions Code 2019 supersedes those sections of the Food Law Code of Practice (Scotland) 2019 listed in Annex 5

2. In Scotland, Food Standards Scotland (FSS) has statutory responsibilities including policy development in relation to food matters, advising Scottish Ministers in relation to food matters including, the arrangements necessary to meet EU requirements and on any additional national measures that are appropriate for the protection of public health or other consumer interests. Scottish Ministers may issue Codes of Practice for the guidance of Food Authorities, as regards the execution and enforcement of their functions in relation to these matters and , the applicable laws in relation to it. Food Authorities are required under the legislation described above to have regard to the Interventions Code 2019 when discharging their duties.

3. FSS seeks to work in partnership and to assist Food Authorities in implementing Codes of Practice. Whilst section 40(2)(a) of the Food Safety Act 1990 requires a Food Authority to have regard to the relevant provisions of this Code, section 40(3) does allow FSS to consult the Scottish Ministers in relation to non-compliance with the Interventions Code 2019, and then to the issue a direction to that Food Authority requiring it to take steps to comply with this Code. Under section 40(3) of the 1990 Act. failure by a Food Authority to comply with a Direction allows FSS to seek enforcement of the Direction by order of the Court of Session (see section 45 of the Court of Session Act 1988).

4. Food Authorities that do not have regard to relevant provisions of this Code may find their decisions or actions successfully challenged, and evidence gathered during a criminal investigation being ruled inadmissible by a court.

5. All references to legislation in this Code are made on the basis that the legislation may be subject to amendment and or revocation. The user and or reader of this Code, and any relevant corresponding guidance, must always ensure that the current legislation is referred to, in respect to any action taken in regard to Official Controls detailed in this Code; and seek their own legal advice as appropriate. Guidance on Scottish Food and Feed law is available on the FSS website.

6. For the purposes of this Code the terms Food Authority, Enforcement Authority and Local Authority are interchangeable, subject to any definitions in Food Law.

1.1. The Interventions Code 2019

The Interventions Code 2019 sets out instructions, processes and criteria to which Food Authorities are required to have regard when they carry out Official Controls relating to all **Registered Food Businesses** (see Figure 1 and sub-section 5.1). The Interventions Code 2019 **does not apply to establishments at the level of Primary Production or Approval and these business groups will be addressed in future Code publications.**

The Interventions Code 2019 and the accompanying associated guidance (see Annex 4) should reflect and help to enable the framework set out in Food Standards Scotland's Strategy to 2021, in particular Outcome 4 – Responsible Food Businesses Flourish.

The Interventions Code 2019 is part of a wider project by Food Standards Scotland to review and overhaul the Food Law Code of Practice . The review consists of three phases;

Phase One

The production and publication of the Food Law Code of Practice (Scotland) 2019 which updated the Food Law Code of Practice (Scotland) 2015 to reflect changes in legislation and practice since 2015 and to ensure it is in alignment with Food Standard Scotland's Regulatory Strategy.

Phase Two

The Interventions Code 2019 introduces the Food Law Rating System (FLRS). FLRS combines the rating systems for Food Hygiene and Food Standards into one Food Law Intervention scheme based upon a new Food Business Performance Model that will target resources on high to medium risk and non-compliant businesses. (please see Figure 1)

Figure 1 – FLRS - The Performance Ladder and Compliance Matrix (please see section 5)

Group 1 Business	Performance Levels	Band	Intervention Frequency
• Manufacturer of High Risk Foods. • Manufacturer, Caterer, Processor or Retailer that undertakes a specific method of processing that has the potential to increase the risk to public health beyond that of normal preparation, storage or cooking. • Manufacturers of Foods for Specific Groups. • All Exporters. • Manufacturers, Processors, Importers, Wholesaler, Distributor, Food Broker, Packers of Food at enhanced risk of food fraud, substitution, adulteration or contamination.	Sustained Compliance	1A	18 Months
	Compliant and confident in compliance going forward	1B	12 Months
	Minor Non-compliance and/or gaps in confidence in compliance going forward	1C	6 Months
	Significant Non-Compliance and/or no confidence in compliance going forward	1D	3 Months
	Sustained non-compliance and/or Issues of Public Health Significance or Fraudulent Activity	1E	Intensive Intervention. 1 month.

Group 2 Business	Performance Levels	Band	Intervention Frequency
• All other Manufacturers, Processors, and Caterers. • Importers, packers, wholesalers and distributors of high-risk foods not in Group 1. • Head Office Business that undertakes a regional/national decision making function. • Retailers handling open high-risk foods.	Sustained Compliance	2A	24 Months
	Compliant and confident in compliance going forward	2B	18 Months
	Minor Non-compliance and/or gaps in confidence in compliance going forward	2C	12 Months
	Significant Non-Compliance and/or no confidence in compliance going forward	2D	3 Months
	Sustained non-compliance and/or Issues of Public Health Significance or Fraudulent Activity	2E	Intensive Intervention. 1 month.

Group 3 Business	Performance Levels	Band	Intervention Frequency
• All other retailers, Food Brokers, Importers, packers, wholesalers and distributors. • Public Houses and similar Licenced Business not providing catering. • Business providing limited refreshments (e.g. tea, coffee, soft drinks) as an adjunct to main activity. • Child minders. • Supported Living Business. • Business producing low risk food based from a domestic dwelling. • Bed & Breakfasts.	Sustained Compliance or Businesses where information available at point of registration, indicates there is minimal inherent risk	3A	No Proactive Intervention or 60 months.
	Compliant and confident in compliance going forward	3B	36 Months
	Minor Non-Compliance and/or gaps in confidence in compliance going forward	3C	24 Months
	Significant Non-Compliance and/or no confidence in compliance going forward	3D	3 Months
	Sustained non-compliance and/or Issues of Public Health Significance or Fraudulent Activity	3E	Intensive Intervention. 1 month.

COMPLIANCE CATEGORY

	Serious (wilful and/or sustained serious) non-compliance.	Significant non – compliance	Minor non – compliance	Generally compliant	Full and continuing compliance and/or evidence of going beyond legislative requirements
FOOD SAFETY AND PRACTICE PERFORMANCE / CROSS CONTAMINATION PERFORMANCE / STRUCTURAL PERFORMANCE / FOOD INFORMATION PERFORMANCE / COMPOSITION PERFORMANCE	Any non-compliances that are an immediate risk to consumer health, allow consumers to make unsafe food choices or could give rise to fraudulent gain	Any non-compliances which may adversely affect consumer health or which might do so if not remedied quickly. Failure to comply with product or process specific requirements. Food Standards non-compliances where the consumer is misinformed or prejudiced.	Technical non-compliances which do not adversely affect consumer health or consumer choice but which require to be remedied.	No non-compliances or only very minor non-compliances which the LA has decided should not be pursued until the next intervention.	Evidence of a proactive approach. Evidence of compliance with third party programmes which are recognised as additional or beyond legislative requirements.
FOOD SAFETY MANAGEMENT SYSTEM	Serious lack of control of food safety and/or standards. No appropriate FSMS or failure to follow FSMS.	No appropriate FSMS or general/significant failure to follow FSMS. Significant lack of control of food safety and/or standards.	An appropriate FSMS (HACCP based) is in place and is followed but with minor gaps in scope/use.	Fully Documented appropriate (HACCP based) FSMS in place and followed.	Fully Documented appropriate (HACCP based) FSMS in place and followed with additional 3rd party accreditation.
CONFIDENCE IN MANAGEMENT	No confidence. Unwilling to engage with obligations. Serious formal action required at this visit	Little confidence. Willing, but largely unable, to engage with obligations.	Some confidence. Engage with obligations but gaps in technical awareness. Reliant on LA. New Business or FBO.	Confident. Obligations are routinely met. Able to identify and control emerging issues. Good technical awareness.	Full and continuing compliance. Confident. Proactive approach to food safety management. Own or access to technical expertise. Implementation of externally audited FSMS at least equivalent to HACCP.
AVERAGE SCORE	5	4	3	2	1

COMPLIANCE LEVEL

The Interventions Code 2019 supersedes the sections listed below of The Food Law Code of Practice (Scotland) 2019 (please see Annex 5 of this Code for further information).

- Sub-section 6

- Sub-section 27

- Sub-section 28

- Sub-section 33

- Annex 5

Phase Three

The key aim is to develop a process to simplify future updates by producing further individual publications of the Food Law Code of Practice. It is important that the Code continually reflects current legislation as it sets out the instructions and criteria that Food Authorities are required to have regard to in their delivery of Official Controls.

2. Registration of Food Business Establishments

2.1 Introduction

1. Under Article 6(2) and (3) of Regulation (EC) No 852/2004, Food Business Operators must notify with a view to register each of their establishments with the appropriate Food Authority as Competent Authority.

2. Food Business Operators must normally register each separate unit of their Food Businesses that fall within the scope of Regulation (EC) No 852/2004, but see sub-section 6.8[4] for exceptions to this with regard to moveable Food Business Establishments.

3. Article 6(2) of Regulation (EC) No 852/2004 provides that Food Business Operators must ensure that the Competent Authority always has up-to-date information on establishments, however the responsibility also rests with Food Authorities for drawing up and keep up to date a list of Food Business Establishments which have been registered with them under Article 31(1)(b) of Regulation (EC) No 882/2004.

2.1.1. Exemptions

1. In determining whether or not a particular establishment is subject to Regulation (EC) No 852/2004 only (and is hence required to be registered) consideration should be given to whether the business concerned is a 'Food Business' as defined in Regulation (EC) No.178/2002[5] on general Food Law and to both Recital (9) and Article 1(2) of Regulation (EC) No 852/2004 which set out the circumstances under which the Regulation, and hence the requirement to register under Article 6(2), would not apply.

2. It should be noted that Food Brokers are required to be registered, even if they never actually receive, handle or supply food.

3. A Head Office Business that undertakes a regional and/or national decision making function is required to be registered.

2.1.2. Registration of New Food Business Establishments

1. Under Article 31(1)(a) of Regulation (EC) No 882/2004 the Competent Authority is required to establish procedures for Food Business Operators (FBOs) to follow when applying for the registration of their establishments. The following sub-sections set out these procedures.

2.1.3. Time Frame for Registration

1. Food Business Operators should register their Food Business Establishments with the appropriate Food Authority at least 28 days before food operations commence.

---

[4] Food Law Code of Practice (Scotland) 2019

[5] 41 Regulation (EC) No. 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (as amended)

2.1.4. Registration Form

1. Food Business Operators must provide the relevant Food Authority with full details of the activities undertaken when registering their establishments. A model registration form as detailed in Annex 2 should be made available to, and completed by the Food Business Operator, for each establishment under their control and submitted to the relevant Food Authority.

2. Once a Food Business Operator has provided the relevant Food Authority with full details of the activities undertaken the Food Authority should assign the appropriate business grouping in accordance with sub-section 3.7.2 of the Interventions Code 2019.

2.1.5. Sites on which there is more than one Food Business Establishment

1. <u>Establishments under the control of the same Food Business Operator</u>

    Sites will exist where there are two or more Food Business Establishments under the control of the same Food Business Operator. For example, in the case of a shopping centre in which there are two or more Food Business Establishments under the control of the same Food Business Operator, such operators must ensure that each establishment under their control is registered separately. Food Business Operators should therefore complete a registration form for each separate establishment.

2. <u>Establishments under the Control of Different Food Business Operators</u>

    Sites will also exist on which there are two or more Food Business Establishments under the control of different Food Business Operators. For example, a supermarket may have a coffee shop on site under the control of a different Food Business Operator such as a coffee shop chain. In such cases, the coffee shop will not be covered by the supermarket's registration and must be registered in its own right by its operator. Coffee shops, snack bars etc. operated by the supermarket itself would be covered as part of the supermarket's registration.

2.2 Lists of Food Business Establishments

2.2.1. Requirements of Regulation (EC) No 882/2004

1. Article 31(1)(b) of Regulation (EC) No 882/2004 requires the appropriate Competent Authority to draw up and keep up to date a list of Food Business Establishments that have been registered, and permits existing lists to be used for this purpose.

2. The register of Food Business Establishments held by each Food Authority in accordance with the now revoked Food Premises (Registration) Regulations 1991, will satisfy this requirement and may be carried forward. Food Business Operators will not, therefore, need to re-register Food Business Establishments under their control which have already been registered with a Food Authority. Food Authorities must maintain their lists in accordance with the requirements of Article 31(1)(b) of Regulation (EC) No 882/2004.

3. Food Authorities should also ensure that an up-to-date list of Food Business Establishments registered with them is available for inspection by the general public at all reasonable times, in accordance with data protection law. The list should contain the following information about each Food Business and should be consistent with the information held in the Food Authority's database:

   a. Name of the Food Business Operator,

   b. Name of the Food Business Establishment,

   c. Address of the Food Business Establishment,

   d. Scope and nature of the Food Business.

4. Food Authorities may give or send a copy of their list or any entry on it to any person who makes a request for such information. All requests for information on Food Business Establishments should be handled with due regard to Freedom of Information and Data Protection legislation.

2.3   Action on Receipt of Completed Registration Form

1. On receipt of a completed registration form, Food Authorities should record the date of receipt on the form. They should ensure that if there are any activities indicated on the form outside of their enforcement remit, a copy of the form is sent without delay to the relevant Competent Authority.

2. Food Authorities should enter relevant information from the registration form on to the Food Business Establishment database the Food Authority maintains. The registration form should then be stored in a file in respect of that Food Business Establishment.

3. Food Authorities should keep application forms relating to businesses in a format that maintains their admissibility as evidence if required.

4. If any information is omitted from a registration form submitted by a Food Business Operator, the Food Authority should return the form to the Food Business Operator for full completion.

5. On receipt of a completed application form, Food Authorities should also schedule an inspection of the establishment in accordance with sub-section 3 of this code.

2.3.1. Establishments that are rated Group 3 Band A

1. A business can be rated as a Band 3A either following initial or subsequent intervention or where the food registration form gives sufficient information to make determination that there is minimal inherent risk. The Lead Food Officer can then decide to either place the business on a 60 month intervention frequency or choose not to undertake a proactive intervention.

2. In the case of a no proactive intervention the business should be informed accordingly. This can be undertaken as part of the receipt of registration (see sub-section 2.3.2).

3. If a business is already registered and has previously been included in an Alternative Enforcement Strategy in accordance with section 4.12 and 27.16 of the Food Law Code of Practice (Scotland) 2019 the Lead Food Officer has discretion to use historical information to determine whether a business can be awarded Sustained Compliance for a Band 3A.

2.3.2. Registration Certificates / Confirmation of Receipt

1. Certificates of Registration for Food Business Establishments should not be issued to Food Business Operators because of their potential to mislead consumers into believing that a Food Business Establishment is fully compliant with Food Law. Food Authorities may, however, choose to confirm safe receipt of registration forms and the entry of an establishment on to the list of registered Food Business Establishments. Any such confirmation should remind the Food Business Operator to advise the Food Authority of any subsequent changes to the business, in accordance with Article 6(2) of Regulation (EC) No 852/2004.

2.4 Changes to Activities after Registration

1. Under Article 6(2) of Regulation (EC) No 852/2004, Food Business Operators must ensure that the appropriate Competent Authority always has up-to-date information on their Food Business Establishments and must notify the relevant Competent Authority of any significant changes of activities or closure.

2. Any changes to the details previously supplied e.g. a change of operator, a change to the activities carried out in relation to food, the closure of an establishment, etc., should be notified by the Food Business Operator to the relevant Food Authority.

   On receipt of a notification of a change of activities Food Authorities should update the list of registered Food Business Establishments as appropriate, and record the details on the file relating to that Food Business Establishment.

2.5 Moveable Establishments

2.5.1. Markets

1. In the case of caterers and retailers who operate vehicles and stalls (whether or not these stalls are provided by the controller of the market) and are used for transporting or preparing food or the sale of food to consumers within the area of a market, the Food Business Operator shall register the establishment in which their stocks of food to be sold are ordinarily kept with the relevant Food Authority.

2. If the controller of a market is the provider of permanent units (establishments) (and not simply stalls) within a market, the Food Business Operators operating their food businesses from those establishments should register each establishment with the relevant Food Authority.

2.6 Non-Registered Establishments Thought to Be Engaged in Activities Subject to Regulation (EC) No 852/2004

1. In such circumstances the Food Authority should ask the Food Business Operator to complete a registration form as soon as possible and satisfy itself that the Food Business Establishment is operating in compliance with the other provisions of Regulation (EC) No 852/2004 as appropriate.

2. The purpose of registration is to enable the Competent Authorities to have business details available, from external sources if necessary, so that businesses can subsequently be factored into the undertaking of Official Controls.

3. Officers are directed to sub-section 14[6] for general guidance on enforcement.

Officers should be careful to ensure that such establishments are subject to Regulation (EC) No 852/2004.

3. **Interventions**

3.1 Introduction

4. This Code deals with Interventions of Food Law. It defines the different types of Interventions that Food Authorities may use, how they are planned, programmed and the circumstances in which they should be applied.

5. Each Food Authority should complete an annual Service Plan which details the Interventions programme for the coming year. They must ensure such a programme is adequately resourced and the overall plan is subject to approval timeously at the appropriate governance level within the Local Authority.

6. The Service Plan should include a statement in relation to the Food Authority's approach or policy on Interventions, Enforcement, and Service Delivery. The Interventions Programme should include the Food Business Establishment profile, the number of Interventions programmed, an estimate of the number of revisits that will be made and an estimation of resources required. The programme should also detail any targeted Intervention activity that the Food Authority intends to carry out including any extra resources this may require. The Food Authority should also identify any priorities relating to nationally or locally driven outcomes, such as compliance with new legislation or improved compliance with existing legislation and other central government initiatives, including compliance with this Code.

7. Interventions are key to improving compliance with Food Law. The Interventions Code 2019 allows Interventions to be applied in a risk based manner such that more intensive regulation is directed at those Food Business Establishments that a present the greatest risk to public health or misleading of the consumer and have the poorest levels of performance.

---

[6] Food Law Code of Practice (Scotland) 2019

8. Interventions are defined as activities that are designed to monitor, support and increase Food Law compliance within a Food Business Establishment. They include, but are not restricted to 'Official Controls'.

9. 'Official Controls' are defined at EU level at Article 2(1) of Regulation (EC) No 882/2004. They are any form of control for the verification of compliance with Food Law.

10. Methods and techniques for carrying out tasks related to Official Controls are specified at Article 10 of Regulation (EC) No 882/2004. These include inspection, monitoring, surveillance, verification, audit, sampling and analysis.

11. In addition to Official Controls, Interventions also include other activities that are effective in supporting Food Businesses to achieve compliance with Food Law such as the provision of targeted education and advice that takes place at Food Business Establishments or information and intelligence gathering.

12. Interventions that are Official Controls must provide sufficient information to Food Authorities to establish that food related activities carried out at Food Business Establishments comply with Food Law. In line with the general obligations set out at Article 3 of Regulation (EC) No 882/2004, they should be carried out at all stages of production, processing and distribution to establish whether the requirements of relevant Food Law are being met.

13. An Interventions Programme is central to a local regulatory and enforcement regime, and Food Authorities must ensure that such a programme is appropriately and adequately resourced.

3.2   Intervention Types

1. Interventions which are Official Controls include:

    a. Inspections

    b. Monitoring

    c. Surveillance

    d. Verification

    e. Audit

    f. Sampling where the analysis and or examination is to be carried out by an Official Laboratory.

2. Other interventions, i.e. those which do not constitute Official Controls include:

    a. Education, advice and coaching provided at a Food Business Establishment.

    b. Information and intelligence gathering (including sampling where the analysis or examination is not to be carried out by an Official Laboratory).

3. It is recognised that more than one type of Intervention may be carried out during a single visit to a Food Business Establishment. It is also recognised that the Intervention approach used may be influenced by the findings during a visit to an establishment. With regard to FLRS an Inspection requires to be undertaken that assesses all 7 Compliance Categories, in order to determine the performance banding of the business. (please see section 5).

3.3   Unannounced Official Controls

1. In accordance with Article 3(2) of Regulation (EC) No 882/2004, the general principle is that all Official Control Interventions must be un-announced. Regulation (EC) No 882/2004 Article 3(2) states that:

"*Official Controls shall be carried out without prior warning, except in cases such as audits where prior notification of the Feed or Food Business Operator is necessary*"

2. A Food Authority's Intervention Programme should provide for Food Business Establishments to be subject to Intervention at times when they are open for business, whether or not that coincides with the Food Authority's normal hours of work. Food Business Establishments that only operate at night, at weekends or in the early hours of the morning should be subject to Interventions at these times. Professional judgement should be applied in respect of establishments subject to 24 hour opening in determining the most appropriate time(s) to carry out an Intervention at such establishments.

3. In certain exceptional circumstances, there may be occasions when it is advantageous to give advance notice, particularly when the purpose of an Intervention is to observe and / or evaluate a particular process in operation. Authorised Officers should exercise discretion in this area guided by the overriding aim of ensuring compliance with Food Law (see also Section 7[7] of the Code on obtaining entry to Crown Premises). In such circumstances (with the exception of relevant Crown Premises) it will be necessary to schedule unannounced visits within the Intervention Programme. Under no circumstances should all Interventions at an establishment be pre-announced.

4. A Food Authority's approach to Interventions out-of-hours should be documented in its Food Service Plan.

5. If a Food Authority has difficulty complying with this requirement in relation to specific establishments, this should be raised with FSS.

3.4   Records pertaining to Official Control Interventions (see sub-section 6)

1. Sufficiently detailed notes including an appropriate aide memoire, any contemporaneous notes, or similar, of Official Control Interventions must be produced and retained. These shall include:

---

[7] Food Law Code of Practice (Scotland) 2019

a. Identifying the full scope of the Official Control Intervention.

b. Demonstrate the evidence identified and or examined to demonstrate both compliance and non-compliance with Food Law.

3.5 Food Law Intervention

1. Food Law Interventions are part of the system for ensuring that food meets the requirements of Food Law, including microbiological quality, absence of pathogenic micro-organisms and safety for consumption, including proper presentation, labelling and advertising so as not to confuse or mislead; compliance with compositional standards; and the absence of non-permitted or excessive levels of additives, contaminants and residues.

2. Each Food Authority should document, maintain and implement an Interventions Programme that includes all relevant establishments for which the Food Authority has enforcement responsibility for Food Law.

3. The programme should be based on the performance bandings that have been determined in accordance with FLRS.(please see section 5)

4. A full Inspection has been the traditional method to ensure Food Business Operators comply with Food Law. In accordance with FLRS, (please section 5) an Inspection is the appropriate intervention to utilise in this respect unless in the rare occurrence where an audit is the only option available to the Authorised Officer.

3.6 Definitions

1. Article 2 of Regulation (EC) No. 882/2004 provides the following definitions included in the definition of Official Controls:

   '*Inspection*' *means the examination of any aspect of feed, food, animal health and animal welfare in order to verify that such aspect(s) comply with the legal requirements of feed and food law and animal health and welfare rules.*

   '*Monitoring*' *means conducting a planned sequence of observations or measurements with a view to obtaining an overview of the state of compliance with feed or food law, animal health and animal welfare rules.*

   '*Surveillance*' *means a careful observation of one or more feed or food businesses, feed or food business operators or their activities.*

   '*Verification*' *means checking by examination and the consideration of objective evidence, whether specified requirements have been fulfilled.*

   '*Audit*' *means a systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives.*

*'**Sampling for analysis**' means taking feed or food or any other substance (including from the environment) relevant to the production, processing and distribution of feed or food or to the health of animals, in order to verify through analysis compliance with feed or food law or animal health rules.*

3.7 Inspections and Audits

3.7.1. Carrying out a Food Law Inspection

1. A Food Law Inspection should allow assessment of all the relevant FLRS Compliance Categories.

2. During a Food Law Inspection where the inspecting authorised officer determines that one or more of the compliance categories would be a score of 5 and therefore a business would be rated as Band E, only these relevant categories would be expected to be assessed. All relevant remaining categories should be assessed after the business is no longer subject to intensive intervention.

3. A Food Law Inspection form should be completed for each Food Law Intervention. Food Authorities can develop their own Food Law Intervention Inspection form providing all elements of the relevant compliance categories are considered and assessed.

4. With respect to Official Controls undertaken to verify compliance with Food Law an Authorised Officer can use the full range of Interventions types, detailed in section 3.2. Within the context of FLRS an Inspection which assesses all of the seven compliance categories, if applicable, is required in order to provide a performance band. The only exception to this would be where an authorised officer is unable to conduct this assessment due to having to deal with a serious issue (or issues) and the business is rated as being a band E where intensive intervention is required. (please see section 5)

5. An audit may be carried out where a Food Business Operator has put in place a documented food safety management system to address the requirements of Article 5 of Regulation (EC) No 852/2004. Authorised Officers will require an awareness of the food safety management system operated by the business, in order to plan an appropriate audit. An audit may include:

   a. Audit of a complete food safety management system;

   b. Audit of selected elements of a food safety management system, where the system is complex;

   c. Audit of part of a system in relation to a particular product; or

   d. Audit of certain organisational arrangements, for example, temperature monitoring (see sub- section 20[8] regarding food temperature checks).

---

[8] Food Law Code of Practice (Scotland) 2019

3.7.2. Initial Inspections of New Food Establishments

1. **This sub-section does not apply to establishments at the level of Primary Production or Approval**.

2. Food Authorities should make use of information supplied to them by Food Business Operators in connection with the registration in accordance with Article 31 of Regulation (EC) No 882/2004 in order to determine when to carry out the initial inspection.

3. New Food Business Establishments that come to the attention of the Food Authority for the first time should be subject to an initial inspection following which the Business Group and subsequently the performance banding for the establishment should be determined. The exception would be Band 3A in circumstances where the food registration form gives sufficient information to make determination that there is minimal inherent risk.

4. An Authorised Officer carrying out the initial inspection of a new Food Business Establishment must:

   a. Establish the scope of the business and the relevant Food Law that applies to the operations taking place;

   b. Thoroughly and systematically gather and record information from the observation of practices, procedures and processes, including procedures based on HACCP principles and discussion with food handlers, contractors, Food Business Operators and managers,

   c. Determine whether it is necessary to collect samples of raw materials, ingredients, additives, intermediates, finished products or materials and articles in contact with food for analysis and/or examination,

   d. Identify any actual or potential breaches of Food Law and if appropriate, gather and preserve evidence,

   e. Determine relevant enforcement action and communicate to the Food Business Operator an intention to carry out such action(s).

3.7.3. Samples

1. All samples which are sent to an Official Laboratory whether informal or formal constitute Official Control samples.

2. Sub-section 38.1[9] provides the definition of "formal" samples which is relevant to any possible legal proceedings in the Courts relating to the results of analysis and/or examination of samples.

3.8 Frequency of Intervention at Establishments

---

[9] Food Law Code of Practice (Scotland) 2019

1. The performance bands determine:

   a. The interval that should elapse between one Intervention at a Food Business Establishment and the next; and

   b. The priority of the next Intervention at that Food Business Establishment, relative to the other Food Business Establishments in the Food Authority's planned Intervention Programme.

2. The Food Authority Service Plan must contain details on how new Food Business Establishments are to be included in the Authority's planned Intervention Programme.

3.9 Establishments Subject to FLRS

1. Intervention Programmes should be planned so that establishments receive an Intervention no later than 28 days after the scheduled date, unless they are rated Band E, as detailed in FLRS. In circumstances outside the control of the Food Authority, such as seasonal business closures, Food Authorities have the discretion to reschedule an Intervention.

2. Any other additional Intervention, such as audit, revisit, sampling or education and training should be recorded against the establishment for the purpose of monitoring but should not be used as the programmed Intervention as determined by FLRS.

3.10 Revising the Intervention type and Intervention rating

1. The performance level of a Food Business Establishment may only be revised at the conclusion of a programmed inspection and in accordance with FLRS (or any amendment thereto that may be notified to Food Authorities by the FSS). The only exception to this is when an Authorised Officer determines that during an intervention a business should be rated as a Band E and would be subject to intensive intervention.

2. An Authorised Officer must have gathered sufficient information to justify the performance band and sufficient evidence for the reasons must be recorded on the establishment file and management information software.

3. Where new information arises, in the case of a justified complaint or unsatisfactory sampling result, the Food Authority should consider whether it is appropriate to conduct an Intervention to investigate the matter.

4. The choice of Intervention should be documented in the Food Business Establishment file and management information software in every case.

5. If when conducting a planned Intervention an Authorised Officer establishes that the nature of a food business has changed substantially or the level of compliance has deteriorated or improved, the Intervention frequency and/or grouping should be changed in accordance with FLRS and the Intervention rating revised as necessary. Equally, where new information arises, in the case for example of a justified compliant or poor sampling

result, the Food Authority should reconsider both the scheduling and appropriateness of the next planned Intervention for that establishment.

3.11   Timing of Interventions

1. To determine the appropriate timing of Interventions, Food Authorities should have regard to all relevant and available information. This includes:

   a. The hours of operation of the Food Business Establishment.

   b. Seasonal factors (where applicable).

2. A Food Authority's Intervention Programme should provide for Food Business Establishments to be subject to Intervention at times when they are open for business, whether or not that coincides with the Food Authority's normal hours of work. Food Business Establishments that operate at night, at weekends or in the early hours of the morning should be subject to Interventions at these times. Professional judgement should be applied in respect of establishments subject to 24 hour opening in determining the most appropriate time(s) to carry out an Intervention at such establishments.

3. The Food Authority's approach to Interventions out-of-hours should be documented in its Food Service Plan.

3.12   Need to Defer Planned Intervention

1. Circumstances may arise where FSS requires Food Authorities to defer their Interventions in order to take urgent action over a period of time.

2. Such situations may include those where there is evidence that:

   a. An unsafe practice is occurring or has occurred which represents a significant hazard to public health;

   b. A particular food handling or food preparation practice is found to entail a previously unsuspected hazard to public health;

   c. A foodstuff previously thought to be safe is found to be hazardous to public health;

   d. A food with widespread distribution is found to be contaminated and thereby presents a significant hazard to public health;

   e. A Food Authority requires assistance in delivering Official Controls, for example, in relation to: large scale public events (e.g. sporting events, music festivals etc.); adverse weather; emergency situations; significant food incidents;

   f. As a result of an FSS direction.

   g. A food with widespread distribution is the subject of fraud in labelling or presentation.

3. Where such a situation arises FSS, by means of a communication issued in accordance with sub-section 11.2[10], may require Food Authorities to take specific action. Food Authorities are required to have regard to and to act on, any such communication.

4. Discussions will normally take place with SFELC before Food Authorities are asked to defer their Interventions. In all cases, FSS will, before taking action under this section, consider whether urgent action by Food Authorities is necessary to protect public health or the interests of consumers.

5. Food Authorities will be asked to provide information to FSS about the action that they have taken, in response to requests under this section and any action taken should be documented (also see section 12[11]).

3.13   Larger Food Establishments

1. Larger Food Business Establishments may have smaller Food Business Establishments on site under the control of different Food Business Operators e.g. coffee shops. Such establishments are subject to separate registration (see sub-section 6.4.6[12]) and hence separate Interventions are required as appropriate. Food Authorities may, however, wish to co-ordinate their activities in such a way that they may carry out programmed Interventions of these smaller establishments whilst they are on site to inspect the main Food Business Establishment.

---

[10] Food Law Code of Practice (Scotland) 2019

[11] Food Law Code of Practice (Scotland) 2019

[12] Food Law Code of Practice (Scotland) 2019

4. How Interventions Should Be Carried Out

4.1   Interventions – General

1. Authorised Officers should use an appropriate Intervention form, to gather and record sufficient information regarding the scope and nature of the food operation in order to make judgements about legal compliance

2. The Intervention form is intended to assist Authorised Officers and Food Business Establishments by introducing a structured approach consistent with quality assurance practice.

3. The Intervention process should begin with a review of the information held on record by the Food Authority in relation to the Food Business Establishment. (See sub-section 3.4)

4. At an appropriate point at the beginning of the Intervention, the Authorised Officer should discuss with the Food Business Operator or representative the purpose and scope of the Intervention, whether there have been any changes in activities since the last visit and what the Authorised Officer intends to do. The Authorised Officer should document the outcome of the conversation.

5. An Intervention should include the identification of all the food related activities undertaken by the business, the areas of the establishment used for the preparation, production and storage of foodstuffs, any processes used and the staff involved.

6. Staff of Food Business Establishments who have been given specific responsibilities for ensuring compliance with relevant legal requirements may be questioned in order to verify that they understand their duties and are carrying them out effectively. The Authorised Officer should document this conversation.

7. The Authorised Officer should make an assessment of whether to take samples, and if so what to sample. This is an integral part of every inspection but particularly in Manufacturing, Packing and Catering Food Business Establishments. The Authorised Officer should document the reasons for the decision to take any samples.

8. Interventions may also be for purposes connected with the Home Authority, Originating Authority, or Primary Authority (England only), for example, advising Food Business Operators on Food Law and ways in which they can comply with it.

9. The Authorised Officers should offer guidance on how to achieve compliance with Food Law where it is appropriate or is requested, and should encourage Food Business Operators through an educative approach to adopt best and/or good practice. When offering guidance to Food Business Operators the Authorised Officers should:

   a. take care not to offer any guidance that falls outside the scope of that Officer's competence or expertise;

   b. ensure that Food Business Operators understand that the guidance given is made in reliance on the accuracy of the information provided by them; and

    c. document any guidance given to Food Business Operators.

10. At the conclusion of every Intervention, the Authorised Officer should document and discuss any contravention of Food Law with the Food Business Operator or authorised representative highlighting:

    a. any corrective action necessary;

    b. the time-scale for corrective action; and

    c. any further action the Authorised Officer intends to take and any recommendations of best and/or good practice that the Authorised Officer considers appropriate.

11. In the closing discussion and in subsequent reports or correspondence, Authorised Officers should clearly differentiate between action required to comply with legal requirements and recommendations of best and/or good practice.

12. The Authorised Officer should, on request, advise and discuss with the Food Business Operator, the Intervention or rating applied to the business. The Authorised Officer should document the outcome of such discussion.

13. The Authorised Officer may wish to consider if further intervention strategies may be appropriate e.g. sampling, education or training.

4.2   Clothing and Equipment

1. Food Authorities should provide Authorised Officers with clean protective clothing, including but not limited to head gear and footwear, consistent with good industry practice when they carry out an Intervention.

2. Food Authorities should require Authorised Officers to wear clean and appropriate protective clothing, give any relevant information on their health status when requested and adhere to any reasonable precautions that are required by the business. Authorised Officers should wear appropriate protective clothing etc. if it is provided by the Food Business.

3. Food Authorities should provide their Authorised Officers with the equipment and facilities necessary to enable them to carry out their Intervention in accordance with Food Law and this Code.

5. Food Law Rating System

5.1 The Ladder

Group 1 Business	Performance Levels	Band	Intervention Frequency
• Manufacturer of High Risk Foods. • Manufacturer, Caterer, Processor or Retailer that undertakes a specific method of processing that has the potential to increase the risk to public health beyond that of normal preparation, storage or cooking. • Manufacturers of Foods for Specific Groups. • All Exporters. • Manufacturers, Processors, Importers, Wholesaler, Distributor, Food Broker, Packers of Food at enhanced risk of food fraud, substitution, adulteration or contamination.	Sustained Compliance	1A	18 Months
	Compliant and confident in compliance going forward	1B	12 Months
	Minor Non-compliance and/or gaps in confidence in compliance going forward	1C	6 Months
	Significant Non-Compliance and/or no confidence in compliance going forward	1D	3 Months
	Sustained non-compliance and/or Issues of Public Health Significance or Fraudulent Activity	1E	Intensive Intervention. 1 Month.

Group 2 Business	Performance Levels	Band	Intervention Frequency
• All other Manufacturers, Processors, and Caterers. • Importers, packers, wholesalers and distributors of high-risk foods not in Group 1. • Head Office Business that undertakes a regional/national decision making function. • Retailers handling open high-risk foods.	Sustained Compliance	2A	24 Months
	Compliant and confident in compliance going forward	2B	18 Months
	Minor Non-compliance and/or gaps in confidence in compliance going forward	2C	12 Months
	Significant Non-Compliance and/or no confidence in compliance going forward	2D	3 Months
	Sustained non-compliance and/or Issues of Public Health Significance or Fraudulent Activity	2E	Intensive Intervention. 1 Month.

Group 3 Business	Performance Levels	Band	Intervention Frequency
• All other retailers, Food Brokers, Importers, packers, wholesalers and distributors. • Public Houses and similar Licenced Business not providing catering. • Business providing limited refreshments (e.g. tea, coffee, soft drinks) as an adjunct to main activity. • Child minders. • Supported Living Business. • Business producing low risk food based from a domestic dwelling. • Bed & Breakfasts.	Sustained Compliance or Businesses where information available at point of registration, indicates there is minimal inherent risk	3A	No proactive Intervention or 60 months.
	Compliant and confident in compliance going forward	3B	36 Months
	Minor Non-Compliance and/or gaps in confidence in compliance going forward	3C	24 Months
	Significant Non-Compliance and/or no confidence in compliance going forward	3D	3 Months.
	Sustained Non-Compliance and/or Issues of Public Health Significance or Fraudulent Activity	3E	Intensive Intervention. 1 month.

5.2 Description

1. Each business group (1, 2, and 3) contains a selection of businesses, a set of five performance bands (A to E) which maps to a corresponding intervention frequency.

2. Each business will remain within its designated group (unless the business processes or activity change) and will move up and down the Ladder, based on the performance level which will determine its banding and next intervention frequency.

5.3 Business Group Descriptions and Glossary

1. For the purposes of allocating business groups the following descriptions are to be used.

   a. **Manufacturer** – Creates a product from a single or multiple ingredients which is ready for use by the final consumer and supplies the product to another business and/or to another outlet of the same business.

   b. **Processor** – Creates a product from a single or multiple ingredients for further processing at another business and/or to another outlet of the same business.

   c. **Exporter** – Manufacturer, processor, importer, packer, wholesaler or distributor who exports food to the European Union and/or a Third Country.

   d. **Importer** – Imports food and supplies this to other businesses or direct to the final consumer.

   e. **Packer** – Packs (or repacks) food products without any other processing and supplies the product to another business.

   f. **Wholesaler** – Stores food at premises and sells food to other businesses.

   g. **Distributor** – Stores food at premises and supplies this to other business. May supply on behalf of third parties.

   h. **Retailer** – sells food direct to the final consumer. May include on site production of food but does not include premises supplying food for sale at other premises.

   i. **Caterer** – prepares and sells food to the final consumer for immediate consumption.

   j. **Food Broker** – Sells food to other businesses. Food need not be stored at premises.

5.4 Further advice for Group 1 Businesses

1. Manufacturer of High Risk Foods - a Food Business Establishment to which the term high risk for any aspect of Food Law can apply. This may for example be a Food Business that ordinarily could fall within the scope of Regulation (EC) No. 853/2004, but a specific exemption applies or a business that produces a specific product where the risk to the general public or specific groups is increased.

2. Manufacturers of Foods for Specific Groups- a Food Business to which the Foods for Specific Groups (Scotland) Regulations 2016 apply.

3. Manufacturers, processors, importers, packers of food at enhanced risk of food fraud, substitution, adulteration or contamination. A Food Business which produces a product that is of particular enhanced risk due to its nature, substance or quality and/or where either local or national intelligence indicates an enhanced risk.

4. Specific Method of Processing.

   a. Group 1 includes establishments that undertake a specific method of processing that has the potential to increase the risk to public health beyond that of the normal preparation, cooking or storage.

   b. Below is a non-exhaustive list of processing types that should result in a business being included in Group 1. Authorised officers will need to make a judgement regarding additional processing types not listed below. The overriding principle to assess is whether the process itself creates an increased risk and /or the intention is to increase the shelf life of the product by applying it.

        i. Canning or other aseptic packing of low-acid foods;

        ii. Vacuum packing (other than of raw foods only).

        iii. Sous-vide processes.

        iv. Cook chill catering - a large scale catering process whereby meals or meal components are fully cooked, then cooled by controlled chilling, e.g. blast chilling, and subsequently stored at a temperature above freezing point (i.e. ≤ 3°C), prior to regeneration and/or service.

        v. Fermentation of meats e.g. to produce salamis and other fermented sausages;

        vi. Air or freeze drying e.g. dried hams, biltong, jerky;

        vii. Application of specific chemical, biological, physical or packaging processes intended to extend the durability of food. For example:

            1. addition of salt and/or other preserving agents;

            2. control of the water activity, pH, aqueous salt concentration, redox potential

            3. packing in evacuated or modified atmosphere

        viii. Preparation, and/or service of uncooked or lightly cooked ready to eat food of animal origin, whose nature poses a residual microbiological food safety hazard. This is intended to include caterers/manufacturers producing foods such as steak tartar, meat Carpaccio, other raw meat dishes, types of sushi or sashimi, ceviche and burgers intended to be eaten less than thoroughly cooked through controlled procedures.

5.5   Further advice for Group 2 Businesses

1. Retailers handling open high-risk foods. This may include a Food Business that is a retailer, but also produces a small amount of ready to eat foods on site as an adjunct to its main activity or directly handles raw and ready to eat foods as part of its normal operation (e.g. fishmonger, retail only butchers).

2. Importers, packers, wholesalers and distributors of high-risk foods. This is intended to include a Food Business who handle foods likely to support the reproduction of pathogenic micro-organisms or the formation of toxins and therefore must not be kept at temperatures that might result in a risk to health. Such business will require to ensure maintenance of the cold chain.

5.6   Scope of Business, Consumers and Vulnerable Groups

1. The scope of a Food Business, including consideration of consumers and vulnerable groups should be included in the overall compliance level given for the Food Safety Management System by the Authorised Officer.

5.7 The Compliance Matrix and Definitions

COMPLIANCE CATEGORY					
FOOD SAFETY AND PRACTICE PERFORMANCE / CROSS CONTAMINATION PERFORMANCE / STRUCTURAL PERFORMANCE / FOOD INFORMATION PERFORMANCE / COMPOSITION PERFORMANCE	**Serious (wilful and/ or sustained serious) non-compliance.** Any non-compliances that are an immediate risk to consumer health, allow consumers to make unsafe food choices or could give rise to fraudulent gain	**Significant non – compliance** Any non-compliances which may adversely affect consumer health or which might do so if not remedied quickly. Failure to comply with product or process specific requirements. Food Standards non-compliances where the consumer is misinformed or prejudiced.	**Minor non – compliance** Technical non-compliances which do not adversely affect consumer health or consumer choice but which require to be remedied.	**Generally compliant** No non-compliances or only very minor non-compliances which the LA has decided should not be pursued until the next intervention.	**Full and continuing compliance and/or evidence of going beyond legislative requirements** Evidence of a proactive approach. Evidence of compliance with third party programmes which are recognised as additional or beyond legislative requirements.
FOOD SAFETY MANAGEMENT SYSTEM	**Serious** lack of control of food safety and/or standards. No **appropriate FSMS** or failure to follow FSMS.	**No appropriate FSMS** or general/significant failure to follow FSMS. Significant lack of control of food safety and/or standards.	**An appropriate FSMS (HACCP based)** is in place and is followed but with **minor** gaps in scope/use.	**Fully Documented appropriate (HACCP based) FSMS** in place and followed.	**Fully Documented appropriate (HACCP based) FSMS in place and followed with additional 3rd party accreditation.**
CONFIDENCE IN MANAGEMENT	**No confidence.** Unwilling to engage with obligations. Serious formal action required at this visit	**Little confidence.** Willing, but largely unable, to engage with obligations.	**Some confidence.** Engage with obligations but gaps in technical awareness. Reliant on LA. New Business or FBO.	**Confident.** Obligations are routinely met. Able to identify and control emerging issues. Good **technical awareness**.	**Full and continuing compliance.** Confident. Proactive approach to food safety management. Own or access to **technical expertise**. Implementation of externally audited FSMS at least equivalent to HACCP.
AVERAGE SCORE	5	4	3	2	1

COMPLIANCE LEVEL

5.8   Description

1.   The Compliance Matrix is the average scoring mechanism for FLRS and it determines the performance band of a Food Business Establishment on the Ladder.

5.8.1. Compliance Categories

1.   The y-axis of the Compliance Matrix details the breakdown of the Compliance Categories. There are 7 categories:

a.   Food Safety Systems and Practice Performance.

b.   Cross Contamination Performance.

c.   Structural Performance.

d.   Food Information Performance.

e.   Composition Performance.

f.   Food Safety Management Systems.

g.   Confidence in Management.

5.8.2. Compliance Level

1.   The x-axis of the Compliance Matrix details the compliance levels. Each Individual compliance category is awarded a corresponding compliance level.

2.   The individual scores attributed for each of the compliance categories are averaged and rounded up or down to the nearest whole number. That whole number equates directly to the performance band within the appropriate Business Group of the Ladder.

a.   1 – Risk Band A
b.   2 – Risk Band B
c.   3 – Risk Band C
d.   4 – Risk Band D
e.   5 – Risk Band E

5.9   Compliance Levels Glossary of Definitions

1.   **Serious -** any non-compliances that are an immediate risk to consumer health, allow consumers to make unsafe food choices or could give rise to fraudulent gain

2.   **Significant -** any non-compliances which adversely affect consumer health or which might do so if not remedied quickly. Failure to comply with product or process specific requirements. Food Standards non-compliances where the consumer is misinformed or prejudiced.

3. **Minor** – technical non compliances which do not adversely affect consumer health or consumer but which require to be remedied

4. **Generally Compliant -** no non-compliances or only minor non-compliances which the LA has decided should not be pursued until the next intervention.

5. **Beyond legislative requirements- Third party programmes which are recognised as additional to or beyond legislative requirements. -** Evidence of a proactive or above and beyond approach.

6. **No appropriate FSMS or failure to follow** FSMS – Serious lack of control of food safety and/or standards.

7. **No appropriate FSMS or general/significant failure to follow FSMS** – Significant lack of control of food safety and/or standards.

8. **Appropriate (HACCP based) FSMS -** A documented food safety management system in which the process steps and critical control points have been identified and are appropriate to the **scope and size of the business, however there may still be some minor gaps in scope/use and also takes cognisance of vulnerable groups where applicable.**

9. **Fully Documented Appropriate (HACCP based) FSMS –** A fully documented food safety management system appropriate to the scope and size of the business covering the full range of process steps and critical controls relevant to the food operation with no gaps in scope or use.

10. **Fully Documented Appropriate (HACCP based) FSMS in place and followed with additional 3rd party accreditation –** same as above but 3rd party accreditation does not include an internal audit or local authority intervention.

11. **Technical awareness -** Ability of FBO to identify, resolve and control scientific, process or legal issues affecting their business. Includes consideration of any external assistance the FBO has in place.

12. **Technical expertise** - Professional Food Law, scientific and legal advice.

5.10   Scoring System and Rules

5.10.1 Establishment rated a Band E

1. Any Food Business with a single Serious (5) Non- compliance automatically gets rated a Band E. The reassessment of a Business in Band E can occur at a visit earlier than the 1 month if the officer is satisfied the serious non-compliance has been rectified. This is only applicable to Band E.

2. In most cases these will be serious situations that require immediate action such as serving a Hygiene Emergency Prohibition Notice, Voluntary Closure or Remedial Action

Notice to prohibit part or all of an operation. This would also include situations that involve Detention and Seizure of food for non-compliance(s) for Food Safety or Food Information Law. It should not be used for significant issues including those that may still require enforcement action for e.g. serving a Hygiene Improvement Notice.

3. Any Food Business which at the previous intervention was rated a Band E can only be promoted to Band D regardless of the average scoring.

5.10.2 Establishment rated a Band D

1. Any Food Business with three Significant (4) compliance levels is automatically rated a Band D.

5.10.3 Establishment rated Band A

1. Any Food Business rated as a Band B on three consecutive occasions should be promoted automatically to a Band A (Sustained Compliance) for all 3 Business Groups.

5.10.4 Compliance Categories rated Non-Applicable

1. Where any of the seven Compliance Categories (**not including Food Safety Management System and Confidence in Management**) within the Compliance Matrix is deemed "non-applicable" for example no cross contamination or composition due to all products being pre-packaged then the officer should score that compliance category as "Non-Applicable". **The average score will then be based on the average of the remaining compliance categories**.

6. Action Following an Intervention: Minimum Standards of Report Writing and Record Keeping

6.1. Reports following an Intervention

1. The outcome of an Intervention must always be reported in writing to the Food Business Operator either at the conclusion of the visit or as soon as practicable thereafter, even if the outcome was satisfactory.

2. Where the Official Control was an inspection, or audit, the information detailed in Annex 6 of the Food Law Code of Practice (Scotland) 2019 should be included in report.

3. Reports may include other legislation covered during Interventions at Food Business Establishments, e.g. health and safety at work; although matters relating to Food Law should be clearly differentiated from other law.

6.2. Establishment Record Files (also see sub-section 3.4)

1. The Food Authority's establishment record files and / or management information software, should be updated after each Intervention and should include:

   a. Information on the size and scale of the business and its customer base;

   b. Information on the type of food activities undertaken by the business, including any special equipment, processes or features;

   c. Copies of any relevant correspondence with the business, including documentation associated with Approvals, complaints or licensing;

   d. Copies of food sample analysis and / or examination results;

   e. A system of flagging for significant or serious issues, including details of any non-compliance to be reviewed at future interventions. This was highlighted following the Public Enquiry set up by the Welsh Assembly Government to enquire into the circumstances that led to the outbreak of E.coli 0157 infection in South Wales in September 2005.

   f. Information about the food handling practices and processes observed by the Authorised Officer during the intervention visit in particular with regard to personal hygiene and cross contamination.

2. In respect of establishments inspected for Food Law purposes:

   a. Information describing the outcome of the Authorised Officer's assessment of the business' compliance with procedures based on HACCP principles where appropriate;

   b. Information on training undertaken by employees, including any training on the implementation and operation of the Food Safety Management System.

c. The existence and assessment of the Food Safety Management System or any other documented quality system.

d. Details of other businesses that produce or import for the business.

e. Details of any export of food undertaken by the business.

3. Food Authorities must maintain up to date records of the outcomes of the Interventions carried out detailing the observations noted by Authorised Officers. In particular information to support the scoring allocated under FLRS by the Authorised Officer must be retained by the Food Authority; and retained as per sub-section 3.4[13].

6.3. Retention of Records Relating to Interventions.

1. Records relating to interventions should be retained in the Food Business Establishment file and associated management information software for a maximum of six years, unless required for longer retention because of Litigation, Local Government Ombudsman review, the document retention policy of the Food Authority or instruction by FSS.

---

[13] Food Law Code of Practice (Scotland) 2019

ANNEXES

ANNEX 1: Glossary of Terms

Authorised Officer	In relation to an Food Authority, any suitably qualified person who is authorised by a Local Authority in writing, either generally or specifically, to act in matters arising under Food Law.
CCP	Critical Control Point
Competent Authority	Regulation (EC) No 882/2004 Article 2 defines competent authority as 'the central authority of a Member State competent for the organisation of official controls or any other authority to which that competence has been conferred; it shall also include, where appropriate, the corresponding authority of a third country' Article 4 describes the designation of competent authorities and operational criteria for the purposes of official controls.
E. coli O157	*Escherichia coli* O157
EHO	Environmental Health Officer
Enforcement Authority	Interchangeable with Food Authority and Local Authority
EU	European Union
Food Authority	Interchangeable with Enforcement Authority and Local Authority
Food Business	Food Business - any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of production, processing and distribution of food. As defined in Regulation (EC) No 178/2002.
FBO	Food Business Operator - the natural or legal persons responsible for ensuring that the requirements of Food Law are met within the food business under their control. As defined in Regulation (EC) No 178/2002.
FSG	Foods for Specific Groups as defined in the Foods for Specific Groups (Scotland) Regulations 2016.
FSA	Food Standards Agency

FSS	Food Standards Scotland
FLRS	Food Law Rating System
Home Authority (HA)	The Home Authority for a Food Business is the Local Authority where the decision making base of a business is located. For Food Businesses with more than one branch, the Home Authority is generally the Local Authority where the head office (or another decision making centre) is located.
HACCP	Hazard Analysis and Critical Control Point
HEPN	Hygiene Emergency Prohibition Notice
HIN	Hygiene Improvement Notice
Lead Officer	A suitably qualified, competent and experienced Officer appointed by the Local Authority to take lead operational and management responsibility for food hygiene, food safety and food standards
LGR	Local Government Regulation
Local Authority	Interchangeable with Food Authority and Enforcement Authority
NPOAO	Not Product of Animal Origin
Primary Authority	Agreements that exist in England but have no legal standing in Scotland in relation to food.
RAN	Remedial Action Notice.
REHIS	Royal Environmental Health Institute of Scotland.
SFELC	Scottish Food Enforcement Liaison Committee is an independent non FSS committee. Its membership is drawn from across local enforcement authorities and industry stakeholders. It supports the work of FSS by providing information and expert advice in relation to food and feed law enforcement. SFELC contributes to the development and implementation of FSS strategies and policies for fulfilling its core functions in respect of food and feed safety and consumer protection.
SFSORB	Scottish Food Safety Officers' Registration Board.

SND	Scottish National Database.

ANNEX 2: Model Application Form for the Registration of a Food Business Establishment

APPLICATION FOR THE REGISTRATION OF A FOOD BUSINESS ESTABLISHMENT
(Regulation (EC) No. 852/2004 on the Hygiene of Foodstuffs, Article 6(2))

This form should be completed by Food Business Operators in respect of new Food Business Establishments and submitted to the relevant food authority 28 days before commencing food operations. On the basis of the activities carried out, certain Food Business Establishments are required to be <u>Approved</u> rather than <u>Registered</u>. If you are unsure whether any aspect of your food operations would require your establishment to be approved, please contact **[Local Authority]** for guidance.

1. **Name of Food Business** (Trading Name)_____

2. **Address of establishment** (or address at which moveable establishment is kept)

_____

_____

Post Code_____ Telephone no:_____

3. **Full Name of Food Business Operator**_____

4. **Address of Food Business Operator**_____

_____**Post Code**_____

Telephone No. _____**E-mail**_____

5. **Type of Food Business** (Please tick ALL the boxes that apply):

Farm Shop	□	Staff restaurant/canteen/kitchen	□
Food manufacturing/processing	□	Catering	□
Packer	□	Hospital/residential home/school	□
Importer	□	Hotel/pub/guest house	□
Wholesale/cash and carry	□	Private house used for a food business	□
Distribution/warehousing	□	Moveable establishment e.g. ice cream van	□
Retailer	□	Market stall	□
Restaurant/café/snack bar	□	Food Broker	□
Market	□	Takeaway	□
Seasonal Slaughterer	□	Other **(please give details)**:	

6. **Type of Business:**

Sole Trader □
Partnership □
Limited Company □
Other **(please give details)** □

_____

_____

(If Limited Company, please complete 7. below)

_____

7. **Limited Company Name**_____ Company No _____

Registered Office Address_____

_____

8. **If this is a New Business?** **Yes / No** If **Yes**, please specify the date you intend to open_____

9. **If this is a Seasonal Business?** **Yes / No** If **Yes** please specify the period during which you intend to be open each year

_____

Signature of Food Business Operator_____

Date _____

Name _____(BLOCK CAPITALS)

> **AFTER THIS FORM HAS BEEN SUBMITTED, FOOD BUSINESS OPERATORS MUST NOTIFY <u>ANY</u> CHANGES TO THE ACTIVITIES STATED ABOVE TO [THE FOOD AUTHORITY] AND SHOULD DO SO WITHIN 28 DAYS OF THE CHANGE(S) HAPPENING.**

For Official Use Only

FLRS Group – Tick box that applies.
Group 1 ☐   Group 2 ☐   Group 3 ☐

PRIVACY NOTICE

What we need

[Local Authority] and Food Standards Scotland (FSS) are Joint Data Controllers of the personal information you provide to us on this form. The information we collect about you includes name, postal address, email address and telephone number.

Why we need it

- As Joint Data Controllers, we need to collect this information for the purposes of Food Law Enforcement.
- Regulation (EC) No 882/2004 on Official Controls performed to ensure the verification of compliance with Food Law, requires that *[Local Authority]* and FSS coordinate effectively in the field of Environmental and Health protection, carrying out their activities with a high level of transparency, making relevant information available to the public as soon as possible.
- Each Local Authority is required to maintain an up to date list of registered Food Business Establishments in its area and divulge this information for the purposes of ensuring public health and the effective enforcement of Food Law.
- The Food (Scotland) Act 2015, enables FSS to set performance standards, report on enforcement action by others and require relevant information from *[Local Authority]*
- The Official Feed and Food Controls (Scotland) Regulations 2009, allows the exchange and provision of information by FSS and *[Local Authority]* for the execution and enforcement of relevant Food Law, and makes provision for *[Local Authority]* to provide FSS with Food Business information.
- *[Local Authority]* and FSS are required to fulfil the statutory obligations required by Article 44 of Regulation (EC) No 882/2004, which places a requirement on Local Authorities and FSS to provide the information specified in that Article and to report to the European Commission.
- FSS maintains a national database that can be accessed by both Food Standards Scotland and the Local Authority to which the information pertains. The reporting toolset allows information to be strategically analysed, allowing both organisations to adhere to the principles of the Scottish Regulators' Strategic Code of Practice.
- We will only collect the data that we need as required by the above regulations and legislations, and not collect any personal information from you that we do not need.

What we do with it

The information on this form will be retained by *[Local Authority]* and FSS for the duration of your business registration. Additionally if your business closes, or your registration details are otherwise amended then this information will continue to be retained for a maximum of six years following notification of the closure or the amendment of your registration details.

The information collected on your business relating to Food Law enforcement activity will be retained by *[Local Authority]* for a maximum of six years for Freedom of Information purposes. Food Standards Scotland collects food business information from *[Local Authority]* on a regular basis for the purposes of Food Law Enforcement. The same information will be retained by FSS for a maximum of 6 years, also for Freedom of Information purposes and the monitoring of enforcement action by Local Authorities.

FSS have put in place appropriate and adequate technical and organisational measures to protect your personal information. FSS data is located within the European Union, on cloud based services procured through the government framework agreements, and assessed against the national cyber security centre cloud security principles.

[Local Authority to insert details about their technical and organisational measures in place to protect FBO personal information.]

We want to assure you that no third parties have access to your personal information unless the Law allows them to do so.

What we may also be required to do with it

The information may be shared with other Regulators in line with the principles of the Scottish Regulators Strategic Code of Practice for compliance and risk mitigation purposes. This is limited to circumstances where the law allows such sharing of information by regulators with common interests or activities.

What are your rights?

You have a right to see the information we hold on you by making a request in writing to the email addresses below. If at any point you believe the information we process on you is incorrect you can request to have it corrected. If you wish to raise a complaint on how we have handled your information, you can contact our Data Protection Officers who will investigate the matter. If you are not satisfied with our response or believe we are not processing your information in accordance with the law you can complain to the Information Commissioner's Office (ICO).

ANNEX 3: The Compliance Matrix Aide-Mémoire Table

Food Safety and Practice Performance	Cross contamination Performance (micro/chemical/physical)	Structural Performance	Food Information Performance	Composition Performance	Food Safety Management System	Confidence in Management
Regulation (EC) No 852/2004, Annex II.(unless otherwise stated)						
• Chapter I • Chapter II • Chapter III • Chapter IV • Chapter VI • Chapter VII	• Chapter V • Chapter VIII • Chapter IX • Chapter X.	• Chapter I	• Food Information (Scotland) Regulations 2014. • Labelling requirements of product specific legislation. • All other Food Labelling legislation.	• Additives/colouring/preservatives/supplements legislation • Product specific composition legislation • Section 14, Food Safety Act 1990.	• Article 5.	• Chapter XII.
• General Cleanliness of all areas. • Changing facilities & Personal Hygiene. • Food contact equipment maintenance and cleanliness. • Food waste. • Transport. • General Personal Hygiene (PPE etc) • Private Water Supply considerations.	• E. Coli o157 control of cross contamination guide. • Hand Washing Practices. • Chemical storage. • Cleaning/disinfection to BS EN 1276/13697 where appropriate. • Allergen Control. • Food Handling practices. • Separation. • Use of Utensils And Equipment. • Wrapping/packaging materials	• Walls/Floors Ceilings. • Drains. • Fixtures/Fittings and their ability to be cleaned. • IVS. • Lighting. • Maintenance. • Wash Basin/Sink provisions and Water Supply. • Staff Facilities. • Ventilation. • Pest Control.	• Allergens. • Nutritional Information. • Language. • Font sizes. • Menu Descriptions • Information to the final consumer. • QUID declaration on packaging. • Minimum durability markings.	• Additives/colouring/preservatives/supplements. • Recipes consistency/product specific including QUID and Allergens. • Statutory Compositional Standards • Adulteration/Substitution. • Speciation • GM foods • Meat Contents. • Product specific composition. • Reserved descriptions. • Verification of claims.	• Article 5 compliance related issues including: • Hazard Identification • Stock Control • Cleaning Schedules. • House Rules and Policies. • Product Traceability/Recall Capability • Temperature Control. • Monitoring Records • Vulnerable groups • Scope of Business • Validation and Verification.	• Training (including in HACCP principles) • Compliance history. • Staff turnover. • Use Of 3rd Party Audits, Industry Guides, Technical Advice, Self Audit etc. • FBO attitude, ability and willingness to achieve Food Law compliance. .

ANNEX 4: Superseded Sections of the Food Law Code of Practice (Scotland) 2019

The Interventions Code 2019 supersedes the following sub-sections in the Food Law Code of Practice (Scotland) 2019 when carrying out Official Food Controls relating to **all Registered Food Businesses only** (see Figure 2). These changes **do not apply to establishments at the level of Primary Production or Approval.**

Figure 2 – Superseded Sections of the Food Law Code of Practice (Scotland) 2019

Sub-section	
Sub-section 6	6.4, 6.4.1, 6.4.2,6.4.3, 6.4.4, 6.4.5, 6.4.6, 6.5, 6.5.1, 6.6, 6.6.1, 6.7, 6.8.3, 6.9
Sub-section 27	27.1, 27.2, 27.3, 27.4, 27.7, 27.8.1, 27.8.2, 27.8.3, 27.9, 27.16, 27.17, 27.18, 27.19, 27.20
Sub-section 28	28.1, 28.5
Sub-section 33	33.1, 33.2, 33.3
Annex 5	Annex 5

ANNEX 5: Associated Guidance

Food Law Code of Practice (Scotland) 2019:
https://www.foodstandards.gov.scot/publications-and-research/publications/food-law-code-of-practice-scotland-2019

E.coli O157 Control of Cross Contamination Guidance:
https://www.foodstandards.gov.scot/publications-and-research/publications/ecoli-o157-control-of-cross-contamination

SFELC - Guidance on the Safe Service of Less Than Thoroughly Cooked Beef Burgers:
https://www.foodstandards.gov.scot/publications-and-research/publications/guidance-on-the-safe-service-of-less-than-thoroughly-cooked-beef-burgers

Guidance on Temperature Control legislation:
https://www.foodstandards.gov.scot/publications-and-research/publications/guidance-on-temperature-control-legislation

Food Standards Training Manual:
https://www.foodstandards.gov.scot/downloads/Food_Standards_Training_Manual.pdf

Acrylamide in food – Guidelines for local authorities:
https://www.foodstandards.gov.scot/publications-and-research/publications/acrylamide-in-food-guidelines-for-local-authorities

Food Law Code of Practice (Scotland) 2019 - Practice Guidance:
https://www.foodstandards.gov.scot/publications-and-research/publications/food-law-code-of-practice-scotland-2019

Adult Health and Social Care Performance Report Quarter One 2022/23

Midlothian

01. Progress in delivery of strategic outcomes

Our Vision: People in Midlothian are enabled to lead longer and healthier lives.
Our Values: Right support, right time, right place.

Midlothian Integration Joint Board plan and direct the services that are delivered by Midlothian Health and Social Care Partnership (HSCP). The HSCP is a partnership between NHS Lothian and Midlothian Council and is responsible for services that help Midlothian residents to live well and get support when they need it. This includes all community health and social care services for adults in Midlothian and some hospital based services such as Accident and Emergency.

In order to meet the legal requirements of the Public Bodies (Joint Working) (Scotland) Act 2014, the HSCP was required to develop, consult on, and publish a new 3 year Strategic Plan in 2022. The new Strategic Plan for 2022-25 was published in April 2022.

HSCP COVID-19 Response
The Health and Social Care Partnership, its partners and the communities it serves continued to be impacted by the COVID 19 pandemic. A recent spike in infections has caused continued significant pressure on our workforce due to absences. The Health and Social Care Partnership has maintained delivery of services and continues to work with its partners to ensure resources are being managed and deployed to cover staff absences where needed and continue to develop our remobilisation plans.

Seasonal Flu/COVID Booster Programmes
-The covid spring booster vaccination campaign officially closed on 30.06.22. There was an uptake of 85.3% of this eligible cohort. Those individuals who missed their appointment due to being infected with covid are still being encouraged to come forward over the coming weeks.

-The 5-11 year old children, covid vaccination programme continues over the summer. The uptake for 1st doses as of 26.07.22 is 24.6% (31.7% for at risk children). We are now calling patients for their second dose and children turning 5. The uptake for 2nd doses as of 26.07.22 is 8.1% (20.8% for at risk children).

-The Rosewell Steading Vaccination site officially opened on Monday 4th July. 5-11 year old clinic will continue to be run from Midlothian Community Hospital on a Saturday to enhance patient experience for this age group.

-The Midlothian vaccination team have recently taken on responsibility for all vaccinations that were part of the Vaccination Transformation Programme from the GP's to HSCP. Shingles and Pneumococcal vaccination uptake is increasing gradually as this progresses.

-Flu/covid booster planning is underway and we have received JCVI Guidance on the covid booster vaccine and timelines have yet to be approved by ministers.

Service Transformation
On 20 June 2022 the Scottish Parliament published the National Care Service Bill which will provide the foundation for the NCS. Alongside the Bill, explanatory notes, a policy memorandum, a financial memorandum and a delegated powers memorandum were also published. The Bill is now in consultation stage 1. The consultation was launched on 8 July and it will remain open until 2 September.

Justice Service
Activity during Q1 saw Justice in Midlothian going live with our bespoke Bail Services. Through the introduction of Midlothian Bail Services we intend to provide the Courts a credible alternative to the use of remand where individuals are assessed as needing support and supervision to meet their bail conditions. It is intended to reduce the number of individuals normally resident in Midlothian being held on remand pending trial, or for reports after conviction, who with appropriate safeguards in respect of public protection could be released on bail to the community. The objectives of bail supervision will be to:

• To increase the confidence of courts in the successful completion of bail periods through the availability of supervision;

• To reduce the number of individuals remanded to custody;
• To encourage greater confidence in the use of non-custodial disposals by sentencers as a result of the experience of successful completion of periods on bail supervision;
• To provide appropriate support to individuals in the community, which minimises disruption to families, employment and housing, while ensuring compliance with bail conditions.

As of 1st April 2022 Midlothian provided supervision and monitoring for those made subject to bail with a supervision condition (Supervised Bail). This is in collaboration with our third sector partner Change Grow Live and Edinburgh Sheriff Court Social Work Services. This will enable us to fulfil the Scottish Government incentive to increase the provision and take up of Supervised Bail across Scotland. From 17th May 2022 an additional bail service became available across Scotland: bail with electronic monitoring (EM bail). Our Justice Social Work team will be involved in the assessment for those who may be suitable for EM bail but will not be involved unless there is also a condition of supervision. EM bail will be managed by the EM Service provider; the current contract holder is G4S. Management within the team wrote a procedure which ensures that social work staff based at Edinburgh Sheriff Court, and relevant courts in other Local Authority areas, have a clear point of contact with Midlothian Justice Service. It is anticipated that supervised bail will also be available for Midlothian residents who are appearing in other courts across Scotland. This will enable them to receive timely and accurate information regarding those who are being considered and assessed for a Supervised Bail Order.

Substance Misuse
Key services based in Number 11 in Dalkeith continued to provide services in Q1 including outreach treatment, injecting equipment provision [IEP], naloxone, information/advice. There has been an impact of Covid related sickness and absence on service delivery. There are also challenges with recruitment at the moment. However, the Midlothian Substance Use Service continues to support and treat those individuals who are most at risk. This includes the provision of Buvidal [an injectable form of Buprenorphine].The caseload of the SUS service in Q1 averaged around 300. As a proxy measure, this indicates that at any given point, 300 people were provided treatment and support as a protective factor in minimising harm. As a consequence of a pressure on capacity due to recruitment challenges, consistently high number of people being treated and impacts of Covid related illness, the service was unable to deliver rapid access to new patients. However, the service reports a significant reduction in Near Fatal Overdoses with a particularly significant reduction in harms and causes for concerns at the supported accommodation units that receive support from Assertive Outreach staff. Staff recruitment is underway to employ 2 WTE Non-Medical Prescribers along with other new nursing and 3rd sector staff. The work on these posts will be to augment service capacity to deliver the Medication Assisted Treatment Standards.

Naloxone
Accidental overdose is a common cause of death among users of heroin, morphine and similar drugs, which are referred to as opioids. Naloxone is a drug which temporarily reverses the effects of a potentially fatal overdose with these drugs. Administering Naloxone provides time for emergency services to arrive and for further treatment to be given. Services and MELDAP have continued the roll out of training and providing ˜Take Home Naloxone" kits (hereafter referred to as THN) or Nyxoid [Nasal Spray]. These are issued to people at risk of opioid overdose, their friends and family and service workers in order to help prevent overdose deaths. Any member of the public over the age of 16 can be trained in the use of Naloxone allowing them to carry and administer it as well as recognise the signs of someone who may be experiencing an overdose. MELDAP is currently working with Midlothian Council to:
. Promote Naloxone training and carrying amongst their staff group.
. Include Naloxone training and carrying with the 1st aid trainers' course.
. Look to try and ensure that there are Naloxone trained members of staff within all public facing buildings where possible.

Staff would be volunteering for this training, there would not be any compulsion to carry Naloxone.

Midlothian and East Lothian Drugs and Alcohol Partnership (MELDAP) has a primary aim to coordinate the design, delivery and evaluation of drug and alcohol services across East Lothian and Midlothian.

We continue to work with partners locally to provide a number of initiatives including:
• A direct Contact Service
• Advocacy services
• Increased support to families and loved ones.
• SMART Recovery Groups
• Horizons Recovery Cafe
• Recovery College
Provision of services to children, young people and families affected by substance use
• Youth and community initiatives
• Linking in with third sector organisations (Alcohol Education Trust, Re-Solv, 6VT)
• Continue to provide phones, top-ups and tablets to help people get or stay connected

2

We are also developing a new pilot out of hour's provision. These initiatives assist individuals to reduce the harmful impact of long-term drug use.

Drug Trends Service staff have provided feedback that there has been an increase in cocaine use through snorting, injecting and/or smoking. There continues to be concerns about the availability of "street benzo's" for example, illicit Diazepam, Etizolam and Alprazolam [Xanax]. These tablets are likely to be used in conjunction with other drugs [poly drug use] increasing the level of risk.

Learning Disabilities
The effective use of the Community Living Change Fund represents an important part of delivering high quality community based support for people with Complex needs in Midlothian and avoiding hospital delays and out of area placements. The formation of a Complex Care Expert Panel was agreed at the June Finance and Performance Group and this will oversee spending of Midlothian's Complex Care Community Fund up to March 2024.

A very successful conference for all Complex Care stakeholders was held in June, and a staff training video created by members of People First Midlothian was launched. The conversations at the conference are helping us to shape the next phase of this work, including the development of the Positive Behavioural Support programme and the Dynamic Support Register.

The Learning Disability Human Rights Expert Panel has held two events bringing together a diverse group of people with learning disabilities to inform how we address Human Rights and Supported Decision Making in Midlothian. The expert panel is now being expanded to ensure that people with lived experience are at its core.

The Day Service review and redesign work has been delayed by the limitations imposed by COVID 19 guidance, but services are now at, or near, capacity. Human Threads, a large scale, multi-sensory exhibition conceived in partnership with the Tramway in Glasgow, runs from 11th May - 28th Aug 2022. The work is informed by individuals with profound and multiple learning disabilities and represents the culmination of years of pioneering research by Artlink and the Cherry Road Learning Centre.

The flats at Bonnyrigg High Street are scheduled for completion in September 2023. Designs for Primrose Lodge in Loanhead are complete, and the property is now vacant but awaiting use for a delayed 12 week decant from Teviot Court.

Older People
Extra Care Housing: As with many other areas, Midlothian faces many challenges in addressing the housing and care needs of an ageing population with increasingly complex requirements. Extra Care Housing is a model of accommodation and care that supports people to live in their own tenancy. Work was progressed on 3 sites (Dalkeith, Bonnyrigg and Gorebridge) to provide 106 ECH bungalows or flats.

Care Homes: Midlothian has 10 older people's care homes, 2 of which are HSCP run with one being an intermediate care facility. The remaining 8 are privately run either by private companies, charitable organisations or independent care homes. Health Boards and local Health and Social Care Partnerships continue to carry responsibilities for the clinical and professional oversight of the care provided to people resident in care homes in line with the Scottish Government guidelines (May 2020).

The Care Home Support Team provided substantial support to care homes for older people to address the challenges faced throughout the pandemic. Examples include providing direct support to meet staffing challenges, input to meet the complex care needs of individual residents, vaccination, testing of staff and residents, support with reintroduction of visiting and practical and emotional support to staff affected by the impacts of the loss of residents in unprecedented numbers. Moving into a new phase of Covid-19 the CHST will continue to provide support in a more planned, proactive way, working alongside Care Home Staff in an advisory role, whilst remaining responsive when necessary. The focus will remain on care provision, applying principles of Quality Improvement, through project-based work.

Care at Home: Care at Home continues to be a key contributor to the HSCP vision for people to receive the right care in the right place; in their home and community as far as possible. It supports efforts to reduce length of hospital stay, as well as admission avoidance. Care at Home is currently provided by the HSCP and external providers. Care at Home services continue to meet community needs by allocating new packages of care weekly. Midlothian services continue to experience significant ongoing recruitment pressures, which are reflected nationally, including recruitment of office-based staff. Despite this pressure, Care at Home services worked hard to ensure packages of care continued to be delivered. New contracts were awarded to external Care at Home providers in 2021 and work is ongoing to ensure contracts are implemented effectively, including proactive monitoring and audit activity.

Carers

New carer contract started 1st July 2021. VOCAL as the main carer support provider have been recruiting and developing capacity for delivery within the service since that time. Additionally VOCAL had begun expanding the service in response to additional resource funding, which the contract amendments to enable payment to be made, hope to be done within Q1. This funding will take in to account an increase in capacity within some areas of service beginning October 2021, and further so during Q1 2022/23. Amended contract has been issued to VOCAL. Additional resource to fund a Dementia carer support practitioner is in place, and changes to Alzheimer Scotland is being finalised for issue. Discussions and planning for 2022/23 carer funding for Adult and Young Carers, and underspend from 2021/22 will be taken forward during Q2.

Carer Strategy being finalised and expected to be published online at the beginning of Q2.

Mental Health

Midlothian has invested strongly in its Primary Care Mental Health Team, which, since 2019, has been developed, and rolled out to all 12 GP practices, offering direct access to mental health triage, assessment and brief intervention for people aged 18-65. The team is multi-disciplinary and delivers a community-based access service in partnership with the General practitioners, voluntary sector, third sector and other relevant statutory services.

Further developments and opportunities has enabled Midlothian the opportunity to submit an application for further funding through Mental Health and Well Being monies for next four years to improve, develop and expand individuals access to Primary Care Mental Health and well-being Services.

Individual Placement Support has been impacted by Covid 19 and subsequently the current post holder has left the post. This post will be advertised in due course. Prior to the post being vacant the service was providing support to 4 individuals into employment and/or Further Education.

There continues to be strong partnership working between Housing, Health and Social care and third sector providing support and housing for individuals with complex needs, through the housing first model.

Adults with Long Term Conditions, Disability and Impairment

Awareness training sessions for HSCP staff, provided by Deaf Action and Sight Scotland have also not been possible due to the pandemic and training over Zoom or Teams cannot provide practical, hands on training. Sight Scotland continue to provide information sessions to staff in relation to the services they provide. Work has commenced with Deaf Action to review the work being undertaken.

In response to the closure to the public of the Audiology Department due to Covid restrictions volunteers continue to uplift peoples' faulty hearing aids from their homes and delivered the aids to Midlothian Community Hospital for an Audiology technician to repair, and then return the repaired aids back to the individuals.

Hybrid model up and running for delivery of face to face and digital for all weight management programmes. Digital devices secured for people referred so they are able to decide what options best suits their needs.

Improving the Cancer Journey (ICJ) - As we shift into year 2 of operation, monthly targets increase from seeing 13 to 17 people per month (51 people per quarter). As well as ICJ colleagues having a presence at the Edinburgh Cancer Centre, local work is focusing on primary care engagement (tests of change within 3 GP practices). Midlothian has a new peer support group which meets monthly. A focused look at data relating to carers shows that Midlothian has the highest percentage of carers using ICJ in the Lothians. This is supported by the positive working relationships in place between ICJ and VOCAL.

Sport and Leisure

Gorebridge Leisure Centre which was utilised as a mass vaccination centre until 03/04/22 began to operate as a leisure centre on 11/04/22 with the gym re-opening. The main hall is currently undergoing remedial work but OAP indoor bowling groups and PEEP groups have been accommodated. The works are scheduled for completion by the end of July following which a fuller programme will return.

Ongoing challenges around the global supply of chlorine products for swimming pools has meant that all spa pools are currently unavailable to reduce the usage of chlorine and to prevent any swimming pool closures. The supply of product is unpredictable and precarious and may result in reduced swimming pool availability in the coming months. Contingency plans are in place to ensure as little disruption as possible but should the situation deteriorate some periodic pool closures may be inevitable.

The Active Schools Team have continued to ensure a safe & positive return to sport, re-engaging and rebuilding our Active Schools programme to provide opportunities for our Midlothian young people. The programme has continued to grow with more opportunities to be active being available and more volunteers working in our programme:-

• Term 3 saw 1600 pupils from primary & secondary participating in Active Schools Clubs in school & community settings. This year we relaunched our face to face events, which were well attended with positive feedback from schools.
• We successfully launched our Active Schools Leadership Academy (ASLA) at the beginning of the academic year, upskilling Midlothian young people through a programme of training & providing supported coaching opportunities to help them reach positive destinations & invest in our local workforce. This also created more free opportunities for younger pupils. 12 pupils from 4 high schools successfully completed 9 training courses which finished in term 3. 12 new free clubs were delivered by our young leaders. 164 Midlothian young people participated in these clubs.
• We have continued to expand the partners we work with, to enhance our programme including Edinburgh College, CLL & Home School Practitioners to allow us to offer more opportunities and also ensure our programme is accessible to all.
• We have continued to run new projects & initiatives, EG: Fit for Girls project which started in Jan and continued until June -Four workshops and surveys rolled out across 5 high schools in Midlothian led by 10 girls on the committee, consulting with approx. 80 girls. This project has provided girls in Midlothian with a platform to share experiences, stories and have open, honest conversations about taking part in PE and sport. The leaders have helped to inspire their peers through their workshops and allowed their voice to be heard whilst creating a sense of community for girls within their schools. • We have put plans in place and shared information with partners on our move to a wholly free activity model from August.

02. Challenges and Risks

Q1 22/23:

COVID-19
The Health and Social Care Partnership, its partners and the communities it serves continued to be impacted by the COVID 19 pandemic. A recent spike in infections has caused continued significant pressure on our workforce due to absences. The Health and Social Care Partnership has maintained delivery of services and continues to work with its partners to ensure resources are being managed and deployed to cover staff absences where needed and continue to develop our remobilisation plans.

A growing and ageing population
Midlothian is the second smallest Local Authority in mainland Scotland but the fastest growing. This will continue to pose challenges for health and social care services whilst also changing some local communities. As people live for longer many more people will be living at home with frailty and/or dementia and/or multiple health conditions. An increasing number of people live on their own, and for some this will bring a risk of isolation.

Higher rates of long-term conditions
Managing long-term conditions is one of the biggest challenges facing health care services worldwide, with 60% of all deaths attributable to them. Older people are more susceptible to developing long-term conditions; most over 65s have two or more conditions and most over 75s have three or more conditions. People living in areas of multiple deprivation are at particular risk with, for example, a much greater likelihood of early death from heart failure. They are also likely to develop 2 or more conditions 10-15 years earlier than people living in affluent areas.

Higher rates of mental health needs
Many mental health problems are preventable, and almost all are treatable, so people can either fully recover or manage their conditions successfully and live fulfilling healthy lives as far as possible. The incidence of mental health issues in Midlothian, while similar to the rest of Scotland, is a concern. Living in poverty increases the likelihood of mental health problems but also mental health problems can lead to greater social exclusion and higher levels of poverty. People who have life-long mental illness are likely to die 15-20 years prematurely because of physical ill-health.

Our services are under pressure
People place a high value on being able to access effective health services when they need them. People expect to receive high quality care services when these are needed whether as a result of age, disability, sex, gender or long term health conditions. Yet there are a number of pressures on our services.

Financial pressures
Financial pressures on public services are well documented. There is no doubt that we need to do things differently: the traditional approach to delivering health and care services is no longer financially sustainable.
We have particular pressures in our disability services with challenges to meet complex needs in the community when in the past care settings may have been considered.

Workforce pressures
The Covid-19 pandemic has and will continue to influence the demand for, and deployment of, the health and care workforce for the foreseeable future.

There is reduced availability of staff with appropriate qualifications or skills, including General Practitioners, Social Care Workers and Staff Nurses. This impacts on service delivery and development.

The recent spike in Covid-19 positivity within the community has caused significant pressure across the whole system.

Unpaid carers
Unpaid carers fulfil significant, valuable and wide-ranging roles within Midlothian communities, helping to keep people with care and support needs within our communities. During the pandemic many people became carers for the first time, or saw changes to their caring role, resulting in them providing significantly more care for their elderly, sick or disabled family, friends and neighbours. Through this period services supporting carers continued to offer a range of support, including digitally, and by telephone, though services supporting the person they provide support to may have been reduced, e.g. respite and day services, impacting on carers. Further work is required to reduce the significant pressure and impact of caring that carers reported, by continuing to explore innovative options to enable support to be given to both carers and the cared-for, and for there to be opportunities for breaks from caring.

Acute hospitals
Acute hospitals are under huge pressure due to unsustainable demand and financial restrictions. Investing in community based services and work with carers is required to minimise avoidable and inappropriate admissions and facilitate earlier discharge. By treating people closer to home, or in their own home the HSCP can support admission avoidance and improve people's outcomes.

Adult, Health and Social Care

Successes and Challenges

Midlothian

Corporate Performance Indicators (latest)
🔴 6 ✅ 7 ❓ 0 📈 8

Service Plan Actions (latest)
🔴 0 ✅ 34 ❓ 0

Service Plan PIs (latest)
🔴 1 ✅ 29 ❓ 2 📈 10

Corporate PIs Off Target
PIs 🔴 6

% of invoices paid within 30 days of invoice receipt (cumulative)

% of internal/external audit actions progressing on target or complete this quarter.

Average time in working days to respond to complaints at stage 1

Percentage of complaints at stage 1 complete within 5 working days

Percentage of complaints at stage 2 complete within 20 working days

Performance against revenue budget

Service Plan Actions Off Target
Actions 🔴 0

There are no Actions Off Target

Service Plan PIs Off Target
PIs 🔴 1

Average wait time for social work services

Service High Risks (latest)
⚠️ 0

There are no High Risks

All Risks - Adult Social Care
Risks ⚠️ 13 ✅ 9

Key PIs
🔴 Off Target
✅ On Target
📈 Data Only
❓ Data Not Yet Available

Key Actions
❌ Off Target
✅ On Target/Complete
❓ Data Not Yet Available

Key PIs
🔴 Off Target
✅ On Target
📈 Data Only
❓ Data Not Yet Available

Key Risks
⚠️ High Risk/Medium Risk
✅ Low Risk

Children's Services, Partnership and Communities Performance Report Quarter One 2022/23

Midlothian
Children Services - Service Performance

BS.CSPC.10 No. of foster carers through prep groups

BS.CSPC.11 No. of new foster carers approved

BS.CSPC.12 No. of foster carers de-registered

BS.CSPC.16a and 16b Children living in foster and kinship care

BS.CSPC.17 & 19 No. on Child protection register and % of CP plans with integrated chronology

BS.CSPC.18, 20 & 21 Children living in foster and kinship care

BS.CSPC.24 No. LAAC Children in residential outwith Midlothian

BS.CSPC.26 No. young people allocated/engage with Through Care After Care

BS.CSPC.PLI 04 & 05 % core group meetings within required period

Midlothian
Children Services - Corporate Performance

CS. SPSO.01 Performance against revenue budget

CS. SPSO.01 Number of Complaints Recieved

CS.MPI.02 Average working days lost due to sickness absence

CS. SPSO 4.1 Stage 1 Complaints response times

CS. SPSO 4.2 Stage 2 Complaints response times

CS. MPI.04 % of Invoices paid within 30 days

CS. MPI.05 % of PIs on target

01. Progress in delivery of strategic outcomes

22/23: Quarter 1

CSYP Service Priority 1: Reduce the number of CEYP going into homeless accommodation

1.1 Develop a pathway with alternative models of care for those CEYP who are entitled to aftercare

Progress and Achievement in Q1
- In addition to the National House Project numbers we have managed to provide tenancy support for 13 unaccompanied Asylum Seeking young people. 7 of these young people were via the National Transfer Scheme and 6 were young people who spontaneously managed to arrive in Midlothian.

Plans for improvement next Quarter and year ahead
- This will be part of the 22/23 plan, and will continue to meet our National Transfer Scheme requirement in relation to UASC (Unaccompanied asylum-seeking children) valued at x per annum
- Expand the National Housing Project to accommodate further 9 young people

1.2 Implement National House Project and identify 8-10 young people who shall work towards independent living via this resource

Progress and Achievement in Q1
- 10 young people have been identified as part of this project and work will continue for next quarter and onwards

Plans for improvement next Quarter and year ahead
- This project is captured within the new 22/23 plan and work in this area will continue

1.3 Implement and evaluate the effectiveness of the revised Continuing Care policy and approach

Progress and Achievement in Q1
- The average age of young people leaving continuing Care is 18 years. The policy is proving to be effective and has already been cited by the Care Inspectorate as an example of good practice. The fact that young people are staying on in their care placements longer is testament to this.

Plans for improvement next Quarter and year ahead
- We will review and revise the relationships between Continuing Care ending and After Care beginning as this is an area where care experienced young people encounter barriers in service provision. This will be taken forward as a work stream in the 22/23 plan and will also meet our commitments to The Promise.
Measurement - average age leaving Continuing Care continues to be 18+

CSYP Service Priority 2: Early intervention will be effective and maintain children within Universal Services narrative

2.1 Regular audit of repeat referrals into early intervention and prevention to ascertain effectiveness of previous intervention for future learning

Progress and Achievement in Q1
- Recommendations from the audit last year are being progressed with changes to the current recording system and processes for managing repeat referrals being made. Increase in repeat referrals continues to be in relation to financial requests. The new family support team shall hopefully reduce repeat referrals as they intervene earlier in order to prevent an escalation into Children's Services

Plans for improvement next Quarter and year ahead
- Continue to track and analyse repeat referrals

CSYP Service Priority 3: Expand existing pathway to support families impacted by poverty at an earlier stage narrative

3.1 Increase capacity of the income maximisation workers

Progress and Achievement in Q1
- To date, the existing income maximisation post has supported 24 families with a total client financial gain of £234 330. The work has extended to signpost families onto other services for additional support i.e. fuel poverty, employment etc.

Plans for improvement next Quarter and year ahead
- The existing income maximisation worker post has been extended for a further year Funding has also been approved to pilot an additional income maximisation worker with a remit for early intervention for one year.

3.2 Introduce supper club at Hawthorn Family Learning Centre

Progress and Achievement in Q1
- Due to the pandemic the supper clubs did not go ahead. Instead the service worked hard to provide supports to the community in the way of delivering cooked meals, cooking on a budget and delivering or signposting to other services sing posting to increase families income

3.3 Provide food hampers throughout the year

Progress and Achievement in Q1
- As above and the service contributed to the delivery of food hampers

Plans for improvement next Quarter and year ahead
- This has been reviewed, and were included as part of COVID response, so will not to be included in the 22/23 plan

3.4 Provide lunch packs during school holidays

Progress and Achievement in Q1
- This is linked to 3.2 and 3.3 and the delivery and preparation of hot meals to arrange of families

Plans for improvement next Quarter and year ahead
- This has been reviewed, and were included as part of COVID response, so will not to be included in the 22/23 plan

3.5 Provide food vouchers to families in need

Progress and Achievement in Q1
- The service provided £500 worth of food vouchers to families in need since April.

Plans for improvement next Quarter and year ahead
- This has been reviewed, and were included as part of COVID response, so will not to be included in the 22/23 plan

CSYP Service Priority 4: Provide a clear pathway for kinship support narrative

4.1 Consult with kinship carers to develop clear pathway

Progress and Achievement in Q1
- The service have consulted with the kinship carers and this has developed into a new service priority in 22/23 plan

Plans for improvement next Quarter and year ahead
- This has been reviewed and will be taken forward as part of 22/23 plan

4.2 Review and update policy and create pathway for support

Progress and Achievement in Q1
- This has been reviewed as part of development for 22/23 plan

Plans for improvement next Quarter and year ahead
- The policy and pathway are captured within the new 22/23 plan

CSYP Service Priority 5: Develop and embed Family Group Decision Making service narrative

5.1 Embed a Family Group Decision Making approach in early intervention and prevention

Progress and Achievement in Q1
- The service has increased the size of this team and in line with The Promise have made this mainstream within children services.

Plans for improvement next Quarter and year ahead
- This is integrated within the 22/23 plan with measures incorporated as appropriate to measure progress and impact.

5.2 Families with children under the age of 5 on Child Protection Register are considered for referral to Family Group Decision Making by the point of de-registration

Progress and Achievement in Q1
- All families with children under 5 have continued to be offered the opportunity to engage with the Family Group Decision Making service. We have systems in place that flag up who has been to Child Protection case conference and then either they have been offered the service by the social worker or by a member of the FGDM service

Plans for improvement next Quarter and year ahead
- This has been reviewed and will not to be included in the 22/23 plan

CSYP Service Priority 6: Ensure regulated resources work towards continuous improvement narrative

6.1 Local residential care homes will provide high quality care and support

Progress and Achievement in Q1
- For all regulated services no inspections happened, but will continue to be monitored closely.

Plans for improvement next Quarter and year ahead
- This will continue to be reviewed as part of 22/23 plan

6.2 Local adoption services will provide high quality care and support

Progress and Achievement in Q1
- For all regulated services no inspections happened, but will continue to be monitored closely.

Plans for improvement next Quarter and year ahead
- This will continue to be reviewed as part of 22/23 plan

6.3 Local fostering services will provide high quality care and support

Progress and Achievement in Q1
- For all regulated services no inspections happened, but will continue to be monitored closely.

Plans for improvement next Quarter and year ahead
- This will continue to be reviewed as part of 22/23 plan

6.4 Local Continuing Care/Adult services will provide high quality care and support

Progress and Achievement in Q1
- For all regulated services no inspections happened, but will continue to be monitored closely.

Plans for improvement next Quarter and year ahead
- This will continue to be reviewed as part of 22/23 plan

CSYP Service Priority 7: Develop 1 year pilot to support children to remain at home using family systemic practice narrative

7.1 Implement a 1-year family systemic pilot practice model across Children's Services

Progress and Achievement in Q1
- Pilot is currently working with 13 families, and an additional 3 have been identified but yet to start the project.

Plans for improvement next Quarter and year ahead
- Increase the number of family who benefit from Family Systemic work – We are increasing capacity within the family systemic work by introducing a trained children and families practitioner to work alongside the social worker who has a remit for this area of practice

CSYP Service Priority 8: Reduce the number of deferred Children's Hearings narrative

8.1 Monitor the number of Children's Hearings that are deferred and the reasons why

Progress and Achievement in Q1
- In total 3 Children's Hearing were deferred and the service will continue to monitor this closely to understand further the reasons for this.

Plans for improvement next Quarter and year ahead
- This has been reviewed and will not to be included in the 22/23 plan

CSYP Service Priority 10: Increase the number of social workers and practitioners who are skilled in engaging children and young people in life-story work narrative

10.1 Establish who has been trained and then develop/source a programme for workers to attend and develop their skills

Progress and Achievement in Q1
- 16 workers from across Children's Services completed a one day training session on life story work with children in January 22. A further delivery of this training is planned for November 22 which will be offered to up to 25 workers. These sessions have been commissioned through Adoption UK.
- 3 workers have been enrolled to study for the Diploma in Therapeutic Life Story Work with Children from Sep 22- June 23 to enhance their skills and knowledge in this area. This course is facilitated by Children in Scotland.

Plans for improvement next Quarter and year ahead
- This will continue to be reviewed as part of 22/23 plan, with two key actions identified in this area

CSYP Service Priority 11: Improving skills for Learning, Life and Work. Supporting communities to be a great place to live, work and grow up in narrative

11.1 Provide Community and Lifelong Learning Opportunities to all areas of Midlothian and Community Groups

Progress and Achievement in Q1
- 2588 engaged   (target 7000)
- 351 receiving 1:1 support   (target 500)
- 261 projects   (target 550)
- 193 participants from SIMD* 20% (target 430) * Scottish Index of Multiple Deprivation
- 16 community groups supported   (target 60)

Plans for improvement next Quarter and year ahead
- Consolidate promotion and recruitment activities building on the Cognitively Based Assessment Learning research, which will build on the good progress made in terms of meeting participant recovery targets as involvement with Communities, Lifelong Learning & Employment is voluntary.
- Increase promotion of ESOL (English to Speakers of Other Languages), Literacy and Numeracy service for Adults to ensure increased referrals from partners working with adults and families

11.2 Positive outcomes secured through CLL programmes

Progress and Achievement in Q1
- 602 qualifications achieved   (target 1500)
- Survey monkey with satisfaction data currently unavailable
- 83.3% Modren Apprentices completed   (target 75%)
- Will be reported in Q2

Plans for improvement next Quarter and year ahead
- Good progress being made on qualifications, detailed analysis being undertaken on qualifications offer to identify any gaps in provision, age groups and locality participation.
- National 5 English and Maths and Higher English being promoted to start after the summer break.
- Some data not available till later in the year.

11.3 Local fostering services will provide high quality care and support

Progress and Achievement in Q1
- SDS (Skills Development Scotland) Modern Apprenticeship and Foundation Apprenticeships contracts extended
- Shared Prosperity Investment Plan drafted

Plans for improvement next Quarter and year ahead
- Ongoing opportunities explored to attract income explored

02. Challenges and Risks

22/23

National Care Service Consultation
The National Care Service has made a decision that adult services will be included within this service, however further work and consultation is happening around children's services and Justice.

Scottish Childhood Interview Model
The new model of joint interviewing children and young people who have been at risk of abuse is welcomed however to date there has been no additional funding offered to social work teams. The training for this new model is resource intensive for both social workers, partners and their managers and it is a concern that no additional support with regards to funding has been forthcoming at this point. The challenge is that within Midlothian we are unable to offer more staff the opportunity to undertake this training due to the lack of funding to replace those workers who wish to undertake the training.

Impact of Covid-19
The impact of Covid across the entire children's service and CLLE remains a challenge.
During the last two years more children and young people have gone into kinship placements as a result of the pressures on families. The need to reprioritise resources to ensure there is adequate support in place to support the kinship carers has placed additional pressure on our social work teams who are already at capacity. In line with the foundations of the Promise we have aligned staff to other areas of the service so that they ensure earlier support via Family Group Decision Making which supports families to develop their own plan and identify what support they require. A plan to ensure this service becomes part of the mainstream budget has happened. We are also pursuing external funding to support this team.

Children's Services Referral's
As already highlighted earlier in the report the significant increase in referrals requires further analysis and a different approach to supporting the many families who are experiencing financial hardship. Work is ongoing with partner agencies to consider how we address this from a holistic perspective. We need to be mindful that poverty is a growing area of concern and the potential increased demand within our services is a concern. Over the course of 2021/22 referrals into Children's Services have risen from 6045 to 8287. The largest increase in referral reason was financial requests rising from 975 to 2140 over the twelve month period an increase of 119%

Staffing
As with other parts of the Council the impact of the pandemic has had a significant impact on our staffing with sickness absence remaining an ongoing area of concern across services. Thanks to the flexibility and commitment of our staff we have been able to manage this. This should ease as the national Covid position changes.
Staffing overall remains an issue with regard to trying to recruit experienced workers, our salaries are not as competitive as neighbouring local authorities and a potential fall out from Covid is that people are reflecting on what they do and many are choosing to leave this profession for pastures new.

Arrival of Ukrainian Families and Unaccompanied Asylum Seeking Children
We have managed to facilitate and welcome many Ukrainian families into Midlothian adopting a holistic approach to the support on offer. There remain many assessments still to be undertaken however we are confident our steady and thorough approach to this work will ensure that we are robust in the work we are undertaking therefore hopefully negating the risk of breakdowns in the near future. This work has been ongoing in addition to ensuring we meet the

agreed quota of unaccompanied children seeking asylum in Midlothian, arriving from other parts of the world as well as planning and welcoming families fleeing from Afghanistan.

Residential Care Homes
There continues to be a national shortage within the residential children's workforce in children's services. This is particularly so for children who have complex care needs such as autism and Additional Support Needs (ASN). We have had to place children externally because of the lack of provision across Scotland, these cases relate to external placement breakdowns. We continue to work with partners to explore how best to meet the current demands and pressure whilst making sure we future proof our services to deliver sustainable options locally for children and young people with ASN and Complex and Enduring Needs

Foster Care
As stated previously Midlothian Council's existing foster carers are an ageing population who are coming to the end of their fostering carer. While Midlothian Council's recruitment statistics compared with other local authorities remains encouraging we continue to seek and explore other options. As identified in Q3 Interestingly, our potential adopters has more than doubled though the numbers of children awaiting adoption in Scotland has significantly reduced. We are already in dialogue with these potential adopters regards the adoption landscape and to determine whether long term foster care could be an option.

Kinship Care
Another growing area as discussed at the beginning of the report. In essence, our resources and kinship services are inextricably linked and rely on each other to rise to the pressure and demands of keeping our children and young in the local community.

CLLE
Our main challenge going forward continues to be access to suitable premises to meet the needs of those engaging in learning in all age groups including older people; employability support both individually and in groups and the delivery of youth work in some geographical areas.

Challenges around access to devices and internet connectivity allowing participants to learn online is a challenge. The roll out of digital devices to school pupils and the allocation of Connecting Scotland devices to adults has helped but there are still challenges with the cost of internet access and rising electricity charges for many of our most vulnerable learners.

Instrumental Music Service
Providing free tuition to all pupils whilst having to meet a significant savings agreed within the Medium Term Financial Strategy will be challenging. We are undertaking an option appraisal which shall consider how we best deliver and design a service that is modern, implementing the learning during the pandemic, whilst also delivering a service that is equitable and sustainable.

The risks and challenges within children's services and CLLE are highlighted within this report. As we begin to return to a sense of 'normality' across the services the impact of Covid should not be underestimated. This coupled with the challenges of poverty which will impact on many residents and families shall require us work in partnership with our voluntary and 3rd sector colleagues and across the council to ensure we are proactive in taking a holistic approach to supporting and working with families and residents within Midlothian.

Financial Pressures
- There is a financial challenge to deliver statutory services given the current budget gap.
- Due to the current financial climate there may be an impact on services as a result of the cost of living and increase in poverty.

Education Complaints Indicator Summary

Commitment to valuing Complaints 4. Outcomes and Customer Feedback

Indicator	2021/22	Q1 2021/22	Q1 2022/23			Annual Target 2022/23
	Value	Value	Value	Status	Short Trend	
Number of complaints received (quarterly)	61	19	18	📈	⬆️	
Number of complaints closed in the year	59	14	18	📈	⬆️	
Number of complaints upheld (quarterly)	7	3	3	📈	⬆️	
Number of complaints partially upheld (quarterly)	10	3	0	📈	⬇️	
Number of complaints not upheld (quarterly)	16	5	2	📈	⬇️	
Number of complaints Resolved (quarterly)	24	2	13	📈	⬆️	
Average time in working days to respond to complaints at stage 1	5.54	2.22	7.06	🛑	⬇️	5
Average time in working days to respond to complaints at stage 2	29.21	13.33	0	✅	⬆️	20
Average time in working days for a full response for escalated complaints	21.33	20	0	✅	➖	20
Percentage of complaints at stage 1 complete within 5 working days	89.74%	100%	83.33%	🛑	⬇️	95%
Percentage of complaints at stage 2 complete within 20 working days	57.14%	100%	100%	✅	⬆️	95%
Percentage of complaints escalated and complete within 20 working days	66.67%	100%	100%	✅	➖	95%
Number of complaints where an extension to the 5 or 20 day target has been authorised (quarterly)	6	0	0	📈	➖	
Number of Compliments	2	1	0	📈	➖	

Childrens Services, Partnerships and Communities

Midlothian

Successes and Challenges

Corporate Performance Indicators (latest)
🔴 5 ✅ 7 ❓ 0 📊 8

Service Plan PIs (latest)
PIs 🔴 2 ✅ 0 ❓ 0 📊 12

Corporate PIs Off Target
PIs 🔴 5

- Average time in working days to respond to complaints at stage 2
- Percentage of complaints at stage 1 complete within 5 working days
- Percentage of complaints at stage 2 complete within 20 working days
- Percentage of complaints escalated and complete within 20 working days
- Average time in working days for a full response for escalated complaints

Service Plan PIs Off Target
PIs 🔴 2

- Child Protection: % of Core Group meetings held within a 8 week period.
- Child Protection: % of Core Group meetings held within 15 days for Initial

Service High Risks (latest)
⚠️ 2

- Workforce capacity
- Scottish Child Abuse Inquiry

All Risks - CSPC
Risks ⚠️ 14 ✅ 14

Key PIs
🔴 Off Target
✅ On Target
📊 Data Only
❓ Data Not Yet Available

Key PIs
🔴 Off Target
✅ On Target
📊 Data Only
❓ Data Not Yet Available

Key Risks
⚠️ High Risk/Medium Risk
✅ Low Risk

9

Corporate Solutions Performance Report
Quarter One 2022/23

Corporate Solutions continues to support the recovery and the retention of the best elements of transformation that took place in response to the pandemic and secure permanent changes to the way the Council delivers its services in order to build back better. This approach is based on the creation of a wellbeing economy and it is designed to achieve wellbeing and fairness for our people and the rest of nature. The redesign of services and the changes to build back better are predicated on the overarching principle that in delivering services, whether commissioned internally or externally, we will keep our communities, our employees and our environment safe, at the same time as meeting our commitment to being carbon neutral by 2030.

Corporate Solutions will "deliver forward looking services fit for a modern 21st Century organisation and put the citizen at the centre of Service Redesign".

Balancing the 2022/23 budget was reliant of £10 million of one off funding and with inflation pressures and the potential for unfunded pay awards could increase to £13 million. Accordingly the recurring expenditure of £251 million for 2022/23 exceeds recurring funding by that £113 million.

Financial sustainability has continued to dominate the agenda. In respect of inflation as well as rising energy costs and the real prospect of unfunded pay awards the quarter 1 financial reports to Council on 23 August 2022 highlight that the construction industry in Scotland and the UK is currently experiencing unprecedented adverse market conditions, which is leading to significant rises in tender prices for a wide range of materials. There is evidence that inflation of between 10% and 15% beyond BCIS predictions is affecting projects and whilst measures such as value engineering are partially mitigating cost increase there is a risk that the capital budgets will need to be increased with a resultant impact on the funding strategy. The situation continues to be monitored and as a consequence it may be necessary to both revisit existing capital plans and also review the 2022/23 service budgets and implement savings measures in the year.

The Scottish Government's Resource Spending review published on 31 May 2022 presented very challenging financial planning parameters for Local Government. It indicated cash flat grant settlements through to 2025/26 with a £100m increase for 2026/27. Commentators on the RSR have recognised the impact on Local Government, with both SPICe and Fraser of Allander institute stating that the proposals essentially represent a 7% real terms decrease in funding between 22/23 and 26/27. This is in contrast to the 4.7% real terms increase that the Scottish Government will see overall (2% if social security transfers are excluded), and the real terms increases that Health, Social Justice and Housing will see. The real term decrease planned for Local Government comes on top of significant real term reductions since 2013/14, which has driven ongoing reform, rationalisation, innovation and transformation work across Local Government.

In their Annual Audit Report for the financial year ended 31 March 2021 EY, the Council's appointed External Auditor, rated Financial Sustainability of the Council as amber.

EY stated *"The Medium Term Financial Strategy (MTFS) meant that the Council had a clear financial plan in advance of the impact of Covid-19. We anticipate that updates to the MTFS for the 2022/23 budget to be presented to the Council will continue to rely on one-off measures. A revised MTFS is being developed to support the new administration in May 2022.*

Our assessment of amber reflects the ongoing challenge facing local authorities and the level of risk and uncertainty outside the Council's control which could impact its ability to deliver savings, all of which has been exacerbated by the ongoing impact of Covid-19. However, there remains a need for continued

member and officer focus on maintaining financial sustainability and fulfilling the statutory responsibility of members to determine balanced budgets over the medium term".

The challenging grant settlements indicated by the RSR presents challenges not just for the year ahead but over the medium term, with projections of recurring expenditure to provide services exceeding the recurring funding available. Projections are that 2023/24 and beyond will require significant service reductions, focusing on statutory requirements as well as continued service transformation.

Corporate Solutions has gone through a period of transition to shift to a structure with six service areas of Finance, Human Resources, Digital, Customer Services, Legal & Governance and Corporate Resources. Building on our nine drivers for change, Corporate Solutions has a particular focus on the key elements of the route map that encompass the delivery and acceleration of the Capital Programme, delivering digital first and remote working.

These elements of the Midlothian 'Route map for recovery through and out of the pandemic' are also captured in the recommendations from the NESTA 'Listen and Learn Report' and having embraced both strategies, the Corporate Solutions teams have a key role in progressing the following strands of work:

- **Valuing Communities** - Being well together, using social media to engage with communities; meaningful local engagement, strengthen and build upon emerging ties with communities and work in partnership to deliver local, place based services.
- **Remote/Flexible Working** - Local and flexible place based working; working smarter; sustainable futures; and a tailored approach.
- **Digital First** - Access to wifi; technical capability; making things easier; digital by default.

As a strategic partner, NESTA, the UK's innovation agency for social good are, through their people powered results team, supporting us to pioneer new approaches to achieving change and innovation. These approaches are smarter, faster, more collaborative and more inclusive of citizens and people working at the front line. This work recognises that people who are closest to services are the experts in both their own experience and the community they live in, but often don't have enough influence over transformation efforts.

The key activity which underpins this work and which the service is focused on includes:
a) Securing continued financial sustainability and maintaining strong financial management across the Council through the delivery of the Council's Medium Term Financial Strategy (MTFS) incorporating Capital Strategy and Capital Investment plans, Reserves Strategy and Treasury Management Strategy;
b) Nurturing a highly motivated and effective workforce through the delivery of the Workforce Strategy and the development of Service Workforce Plans;
c) Digital first and embracing data insight and analytics by developing and implementing a refreshed Digital Strategy and Digital Learning Strategy;
d) A refresh of the Customer Services Strategy and implementation of the online payments and services (CSP) platform;
e) A refreshed Procurement Strategy and Contract Delivery Plan.

Remote working brought a range of new challenges but by necessity accelerated the adoption of a range of business tools and systems developments that supported our staff to effectively continue to deliver services. These developments also provide an effective and efficient means to progress and monitor work and teams performance. The adoption of electronic workflows, for example removed reliance on paper and wet signatures and provided an electronic record of what has been carried out by whom and when. Managers and colleagues continue to use all of the new technology available to them to maintain contact with colleagues, work collaboratively to deliver outcomes and to support

continued personal development and learning for staff. Building on this the Hybrid Working Strategic Board is directing work to embed Hybrid working in support of securing a reduced office estate and associated cost base.

Medium Term Financial Strategy (MTFS)

The core objective of the MTFS is to secure the Council's financial sustainability during an ongoing period of financial constraint coupled with acute service demand pressures and increasing customer expectations.

The MTFS is not only about balancing the budgets, it provides a means to ensure as far as possible that the limited resources available to the Council are targeted on delivery of improved outcomes, particularly against the key priorities of:

- Reducing the gap in learning outcomes
- Reducing the gap in health outcomes
- Reducing the gap in economic circumstances
- Reducing Midlothian carbon emission to net zero by 2030

Achievements

- Completion of the 2021/22 Final Accounts for the Council in advance of the statutory deadline.
- Presentation to Council in June of a full suite of financial monitoring reports for last quarter completing the financial governance cycle for financial year 2021/22.
- In depth financial input to key projects embedded in the Medium Term Financial Strategy including Destination Hillend, Early Years Expansion, and demographic pressures in service areas, Midlothian Energy and the Learning Estate Strategy.
- Securing borrowing to finance to approved capital projects in advance of recent interest rates.
- Payments for Free School Meals and Child Bridging Payments completed for Easter and summer holidays. The Scottish Child Bridging payments bring together the Covid Hardship payment and the Family Pandemic payment for those families on low income.
- Scottish Cost of Living Awards successfully credited to Council Tax Accounts, where customer was in an exempt qualifying group they were issued a cheque.
- Resources continue to be prioritised to processing Scottish Welfare Fund and Self Isolation Grants as soon as these are received. Inevitably this has meant that processing times for change in circumstances for benefit applications etc are currently experience some delay as noted later in the report. In the quarter £208,730 was awarded from the Scottish Welfare Fund. 1,841 applications were received for Crisis grants of which 1,055 met the criteria and resulted in payments of £115,168. Community Care grant applications totalled circa 332 of which 128 payments were made totalling £93,562. In addition there were 609 applications for Self Isolation Support grants of which 162 qualified with payments totalling £69,125.

Workforce Strategy

The purpose of the Workforce Strategy is to ensure that the Council continues to have a workforce that is able to deliver positive outcomes for the people of Midlothian. It sets out an approach to supporting, developing and reshaping the workforce now and in the future in response to changes as a consequence of national and/or local issues. It is underpinned by the Council's values and vision.

The Workforce Strategy is an important tool to outline the organisation's approach to articulating how workforce issues will be managed and ensures the Council has the people and skills to manage change and deliver services effectively and efficiently.

Achievements

- This quarter we launched the Corporate Workforce Plan and roll out of workforce planning templates across all services. Succession planning will now take place to further understand the organisation and its current environment, analyse the current and potential workforce, determine future workforce needs and identify gaps against future needs.
- Transition from remote to hybrid working completed.
- Continuation of a rolling programme of Wellness@Midlothian initiatives to ensure we continue to support the wellbeing of our staff.
- We will continue to track our gender pay gaps and employee turnover rates. Turnover varies through the year. Consideration of the levels of turnover across services, locations and particular groups of employees helps to inform workforce planning and resourcing. Aside from 2020/21 where staff turnover was 5.9% the turnover rate has been consistent the last 3 years between 9-10.5%. Turnover rate over the last 3 quarters has been static between 2.3 and 2.4%.
- Employment and Reward successfully implemented the Teachers Pay Award and associated backdated payment this quarter.

Digital Strategy and Digital Learning Strategy

Supported by the appointment of SOCITIM Advisory (Society for innovation, technology and modernisation) as a strategic partner and led by the Digital First Board work progressed to deliver an ambitious new digital strategy, ***Digital Midlothian 2021-2023***, *"Empowering People, Enabling Growth"* aimed at improving the way services are delivered to Midlothian citizens the strategy sets out how local outcomes will be improved by delivering digital services to digitally connected communities.

While responding to the pandemic has also transformed the way the council works, and we are already using technology to allow our services to be more flexible and responsive it was recognised that the Council needs to do much more to harness the opportunities that a digital approach can bring. This includes supporting our communities and local businesses to thrive in a digital world and making sure that our children are prepared for the workplaces of the future.

Among the aims set out in the new strategy are plans to:

- Refresh the council's approach to customer service, focussing on 'digital first', while making sure alternatives remain in place for those who need them
- Have a council website that meets customer needs , enabling customers to request and pay for services online and to log in to see their interactions
- Implement an update service, so that customers contacting the council online can receive follow up text messages or emails
- Look at opportunities to automate and better integrate processes so that staff can focus on the things that matter most to customers
- Enable people to stay independent and healthy for longer by using data and technology
- Introduce bookable online and face-to-face appointments so that customers don't have to waste time queuing or travelling and to help the council reduce costs
- Review and improve online engagement with customers, including online consultations, communications and social media
- Promote Midlothian as a digital destination, creating an environment that attracts leading digital businesses to the area and supporting the innovation of start-ups
- Cultivate digital skills in our communities, ensuring that young people have access to the technology and support that they need to improve educational outcomes and to prepare them with the skills they need for the future

- Reduce digital exclusion and empower learners of all ages, enabling online access and supporting them to develop digital skills
- Support Midlothian to achieve high speed connectivity, smart infrastructure and resilient cyber defences

Funding was secured in the 20/21 budget to deliver the Equipped for Learning project, providing every school age pupil in the county with a learning device such as an iPad or Google Chromebook as part of Midlothian Council's £10.5 million investment in digital learning. Midlothian is the first local authority in Scotland to launch a digital learning project on this scale.

The ambitious plan recognises the importance of digital tools to support learning. This investment will ensure Midlothian's young people have the digital skills they need to secure a positive destination such as a job or a Further or Higher Education place, which in turn will help support the local economy. Making sure all pupils have a device will also help young people with additional support needs by giving them access to technology that can help with their different learning needs. Primary schools will have the flexibility to select the right device to support their school community until Primary 7 where all pupils from P7 upward will receive a Google Chromebook. Early years settings will also benefit from the digital strategy as they will have access to shared iPad devices.

Achievements

- Continued progression of the new Digital Services Strategy ensuring the Council has the capacity and skills to take forward the associated investment and delivery of plans.
- **Hybrid Working/Office refresh -** Workspaces in Midlothian House and Fairfield House have been upgraded with new monitors and docking stations to support hybrid working.
- **Target Operating Model:** A new structure was agreed to strengthen the core staffing of Digital Services by Council and CMT. A service review has commenced to implement the new staffing structure.
- **Education strategy** – Preparation planning for phase 2 of the Education ambition for 1 to 1 devices (Improvements in Wi-Fi provision across schools to support wider deployment of Chromebooks and underlying technologies now complete.
- Upgrades were carried out this quarter to the Itrent system.
- **Cyber Security resilience:** The cyber risk is high. A new Cyber Analyst has been recruited and joined the Council in July. New software has been deployed to alert staff responding to phishing emails along with new vulnerability scanning software. The team have also depreciated legacy software such as Internet Explorer. Council were provided with a comprehensive update report on the risk and mitigation in June 2022.
- **Cyber Security Compliance**: PSN penetration testing was conducted in April and following mitigation a report has been sent to the Cabinet Office for independent review.

Customer Services Strategy

The Customer Service Strategy defines the key drivers that will enable Midlothian Council to deliver 'customer service excellence' to our communities. It outlines the commitment to provide choice to the customer in the way services are accessed and provided. This includes innovation, partnership working and optimising the use of technology within resource constraints. The strategy will help us to change the way we deliver services utilising the latest technologies and linking to national frameworks.

As one of the fastest growing areas in Scotland, the Council cannot support more customers using the current resources, systems and processes. This means that the adoption of digital and automated processes will be key to continuing to provide a seamless customer journey, satisfying enquiries at the first point of contact and meeting increased demand.

5

Customer self-service and new automated processes can help deliver some key services without customers dealing directly with a member of staff and could truly transform the way the Council deliver services. During 2020/21, increasing the pace of digital transformation, particularly in front-facing customer services, will be a service and corporate priority, for Midlothian Council – one that can deliver the required efficiencies without negatively affecting customer experience.

Achievements

- Work continues on implementing the Customer Services Platform (CSP) for Midlothian Council and redesigning key services that will improve the end to end customer journey. The modules in progress (such as missed bins, registrar's certificates, customer feedback, Subject access requests) are being designed, configured, built and tested with services. The FOI/EIR module, launched earlier this year, has received positive feedback and the Registrars module is in the final testing stage and expected to launch early August 2022. Engagement continues with Service Areas and a number of modules are anticipated to launch in the coming months.

- In our Library Services, Lasswade and Newbattle Libraries re-opened to their pre-COVID opening hours, restoring these vital services back to their communities. Across Libraries, outreach services continued to resume such as the drop-in CAB service at Gorebridge Library. Wednesday 11th May saw Scotland's first National Reading Moment where people were asked to 'Keep the Heid and Read!' This campaign asked people to pledge to read for 6 minutes on the 11th as it's been scientifically proven that reading for that amount of time each day boost your mental health by 68%. Midlothian came 7th out of Scotland for the number of people who pledged their time. Thanks to Scottish Government COVID Relief Funding, we launched a new Bibliotherapy service for people living with long term health conditions. The 'Writing for Wellbeing' course has had very positive feedback.

Procurement Strategy

The procurement function, led by our new Chief Procurement Officer, has a central role in supporting the Council to achieve its strategic priorities within a constrained financial envelope. Procurement allows the Council to repurpose its spending power to drive our key strategic priorities and to secure the best possible value and outcomes for Midlothian. Effective procurement can maximise the value of every pound spent in terms of jobs, skills and supply chain opportunities in the local community. We will aim to address economic, social and environmental considerations at all stages of the procurement cycle within the rules of open, fair and transparent competition.

The Procurement team in conjunction with Economic Development have developed a Small and Medium Enterprise (SME) Strategy to support and assist local businesses to win contracts fairly and transparently on a competitive market. We will further develop our collaborative and commercial relationships with key partners as part of our strategic category management approach, to deliver the best possible outcomes for the citizens of Midlothian.

The team continues to utilise framework agreements with Scotland Excel and Procurement for Housing (amongst others) which not only provides an easier route to market but also delivers value for money. The Procurement team is currently working with Scotland Excel to review the service to ensure it remains fit for purpose. We have also explored with neighbouring Councils albeit with limited success opportunities to collaborate on the joint delivery of procurement services and so will continue to engage with Scotland Excel to help support service development.

Achievements

- Work continues on the development of the SME/Procurement strategy. The team have reviewed and streamlined the non-competitive action process, the request for procurement process and developed a non-regulated procurement process and new contract database. The team are working to implement a review of the procurement arrangement across the Council including continuing to explore options for joint working and neighbouring councils, population and maintenance of the new contract database.

- The team continues to utilise framework agreements with Scotland Excel and Procurement for Housing (amongst others) which not only provides an easier route to market but also delivers value for money.

- A range of high value/complex contracts continue to be awarded. Other key activities include insurance tender renewal, replacement of window/door suppliers, procurement presentation to elected members, Spikes Cavell data upload complete and health and social care contracts reviewed.

- CMT agreement was secured to progress to consultation on a new structure, designed to increase the capacity and capability in this area.

Challenges

In addition to the Financial Sustainability challenge referenced earlier challenges for Midlothian continue with our recovery out of the pandemic, the cost of living crisis, the growing and ageing population and the increasing demand for services that this brings. Midlothian is projected to have the highest percentage change in population size of all council areas in Scotland. From 2018 to 2028, the population of Midlothian is projected to increase from 91,340 to 103,945. This is an increase of 13.8%, which is in contrast to a projected increase of 1.8% for Scotland as a whole with a 40.9% increase in older people over 75. In addition, Midlothian has 10 zones which falls into the most deprived areas giving a local share of 8.7% living in the most deprived areas in Scotland.

This growth creates the opportunity to meet the housing need with 25% of new homes being built in the affordable housing bracket, in addition to the expansion in Council house building. This construction will directly support employment and will see a steady increase in the value of Council Tax received over time.

The approved Capital Strategy sets out the infrastructure required to meet those demographic pressures and includes the financial contributions Midlothian will make to the Edinburgh and South East Scotland City Region Deal. Encompassing five main themes the City Region Deal will bring significant investment across the regions with total investment of circa £1.3 billion across:

- Research, Development and Innovation: £751 million
- Integrated Regional Employability and Skills: £25 million
- Transport: £156 million
- Culture: £45 million
- Housing: £313 million

Through the Data Driven Innovation strand the Deal will leverage existing world-class research institutes and commercialisation facilities in order that Easter Bush becomes a global location of Agritech excellence. The Easter Bush project includes significant investment in transport infrastructure along the A701/2 transport corridor. In addition, by improving on-site infrastructure at Easter Bush and transport

7

infrastructure, The University of Edinburgh expects commercial partners will be able to co-locate at scale to commercialise Agritech breakthroughs.

The Capital Investment Strategy sits centrally within the Council's future planning activities and in doing so has to reflect the demands of Council services to ensure positive outcomes are achieved in the right place, at the right time for the maximum benefit to Midlothian. The extensive capital programme, totalling £0.8bn, delivers new schools, a record investment in council housing, improved community infrastructure, investment in the local transport network and in innovative developments such as the new low carbon heat network in Shawfair.

To ensure Midlothian is 'building back better', this investment is also creating new jobs, apprenticeship opportunities, opportunities for businesses and communities and families hard-hit by the impact of COVID-19. These new opportunities help lead the way out of the pandemic and towards a better future for Midlothian.

Proposals for a National Care Service

The Scottish Government's National Care Services (Scotland) Bill, if it becomes legislation, would have fundamental implications for the community and for Local Government itself. The wide reaching changes in the bill and aim to deliver a National Care Service by the end of the parliamentary term will impact on all aspects of the work of the Corporate Solutions team, including financial implications, both revenue and capital, our asset base, our workforce, governance and legal arrangements and our digital infrastructure and platforms. It will require an immediate focus by a range of officers for the foreseeable future and this will inevitably have knock on implications for other priority work at a time of continued resource constraint.

Service Performance

There continues to be a high volume of calls via our Contact Centre. There remains an increase in offline Social Work contact which has an impact on calls as staff are managing and responding to these contacts. The contact centre and revenues teams continue to facilitate the Scottish Welfare Fund. There remains a significant number of applications for Scottish Welfare Fund. This quarter the criteria for Self Isolation Grants changed but the impact won't be seen until Q2.

Services are focused on the continued recovery from the impact on the pandemic. Particular in Corporate Resources where as a consequence of prioritising Scottish Welfare Fund and Self Isolation Grant applications meaning that claim and change of circumstances processing times continue to be higher. The teams are now focussed on addressing the backlog with additional resources and capabilities secured to assist. The aim is to bring the service back to a business as usual footing by the late summer/early autumn.

Sickness absence days remain similar to that of last year council wide.   For Corporate Solutions, of the FTE days lost due to sickness, 71% was due to long term sickness, 16% self-certified, 13% short term absence. While there is no identifiable trend either in short term or long term absences work continues with each service area to review attendance levels and support those staff who are absent to be able to return to work.

Corporate Solutions

Midlothian

Successes and Challenges

Corporate Performance Indicators (latest)
🔴 4 ✅ 7 ❓ 0 📈 9

Service Plan PIs (latest)
🔴 5 ✅ 4 ❓ 0 📈 19

Corporate PIs Off Target

PIs 🔴 3

% of invoices paid within 30 days of invoice receipt (cumulative)

Percentage of complaints at stage 1 complete within 5 working days

% of Service PIs that are on target/ have reached their target.

Service Plan PIs Off Target

PIs 🔴 5

All recovery overpayments - as a % of all HB overpayment debt

% of contact centre calls answered within 60 seconds

% of contact centre calls abandoned

Average processing time for new claims (internally calculated)

Average processing time for change of circumstances (internally calculated)

Service High Risks (latest)
⚠️ 0

All Risks - Corporate Solutions

Risks ⚠️ 33 ✅ 85

Key PIs
🔴 Off Target
✅ On Target
📈 Data Only
❓ Data Not Yet Available

Key PIs
🔴 Off Target
✅ On Target
📈 Data Only
❓ Data Not Yet Available

Key Risks
⚠️ High Risk/Medium Risk
✅ Low Risk

9

Midlothian Profile

Total population 93,200 Males **44,800** and females **48,400**

Between **2018** and **2028,** the population of Midlothian is projected to increase by **13.8%** to **103,945** compared to **1.8%** for Scotland as a whole. *(2020)*

Cost of living - UK

Energy costs increased by **54%** in April 2022.

Petrol prices increased by **29.73%** and Diesel prices increased by **37.1%** from May 21 to May 22.

Inflation – The Consumer Prices Index (CPI) rose by **9%** in the 12 months to April 22, up from 7% in March.

Economy

Employment levels are above Scottish average with **48,000** people in employment *(2021)*

Midlothian's unemployment rate (model based) between Oct 20 to Sep 21 stands at **3.4%** and is below the Scottish (4.2%)

Midlothian has **2,720** businesses. 89.9% small employers, 3.7% medium and 6.4% large. *(2020)*

Job density is 0.59 (this means that there are 59 jobs for every 100 people aged 16-64) *(2020)*

Earnings

Full time average gross weekly pay is **£598.60** of people living in Midlothian *(2021)*

There are **3,095** people claiming out of work benefits, the highest level of claimants since the 1990's. In November 2020, a total of **7,155** households in Midlothian were on Universal Credit.

Health and wellbeing

24.2% of adults had a limiting long term condition in Midlothian *(2019)*

In 2020 the **leading cause of death** for males was ischemic heart diseases **(14.5%)**

The leading cause of death for females was dementia and Alzheimer's **(12.9%)**

Households

40,137 households in Midlothian *(2020)*

By 2028, Midlothian is projected to have the **highest** percentage change in household numbers out of all 32 council areas, an **increase of 16%** compared to 4.9% for Scotland as a whole. *(2020)*

Inequality

24% of children were living in poverty in **Midlothian**

Midlothian has lower than Scottish average levels of social exclusion. However, geographic pockets of multiple deprivation remain, particularly within the **Central Dalkeith/ Woodburn, Mayfield & Easthouses, and Gorebridge** areas. Two areas within **Bonnyrigg and Loanhead** also now emerging as areas of concern.
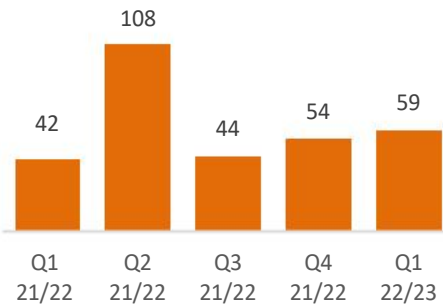
Climate emergency:
While industry and commerce account for **21.2%** of carbon emissions in Midlothian, the biggest sources of carbon emissions are still **domestic heating (36.9%)** and **transport (36.6%)**

Number of complaints received (Corporate Solutions)

Quarter	Value
Q1 21/22	42
Q2 21/22	108
Q3 21/22	44
Q4 21/22	54
Q1 22/23	59

Total number of female employees in top 5%

Quarter	Value
Q1 21/22	99
Q2 21/22	101
Q3 21/22	109
Q4 21/22	115
Q1 22/23	109
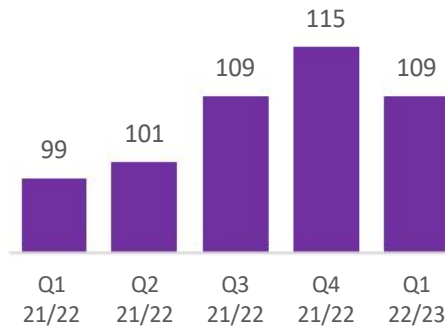
Number of virtual library visits

Quarter	Value
Q1 21/22	78,760
Q2 21/22	58,316
Q3 21/22	42,825
Q4 21/22	45,903
Q1 22/23	44,243
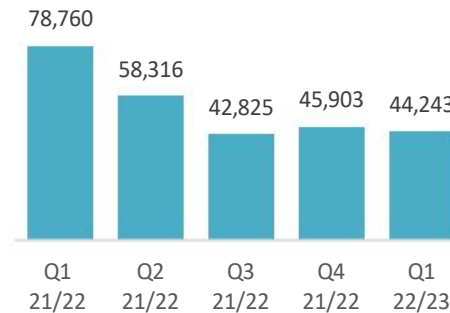
Number of Council Tax transactions received online

Quarter	Value
Q1 21/22	7556
Q2 21/22	6453
Q3 21/22	6776
Q4 21/22	4933
Q1 22/23	8343
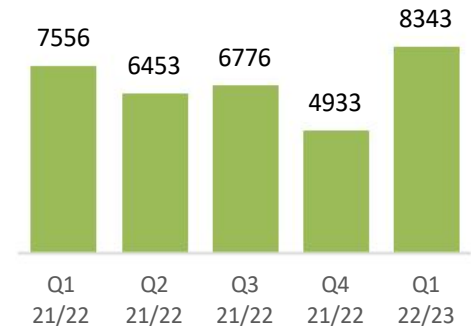
Number of social media contacts via Contact Centre

Quarter	Value
Q1 21/22	469
Q2 21/22	472
Q3 21/22	362
Q4 21/22	354
Q1 22/23	331

Corporate Solutions - Average number of working days lost due to sickness absence (culmulative)

Quarter	Value
Q1 21/22	2.48
Q2 21/22	3.86
Q3 21/22	5.3
Q4 21/22	7.85
Q1 22/23	2.58
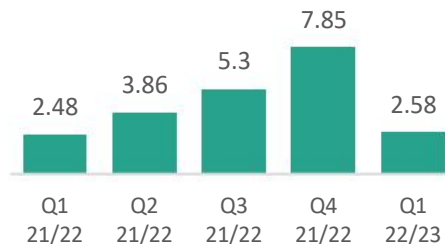
Number of webforms received via Contact Centre

Quarter	Value
Q1 21/22	1,778
Q2 21/22	2,291
Q3 21/22	1,844
Q4 21/22	3,893
Q1 22/23	3,345
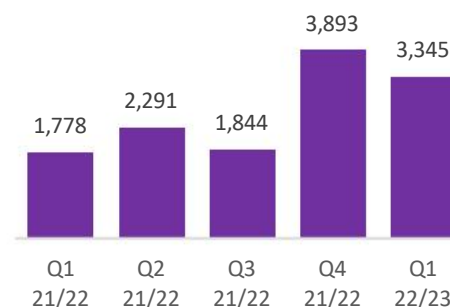
Percentage of staff turnover (including teachers)

Quarter	Value
Q1 21/22	1.60%
Q2 21/22	3.20%
Q3 21/22	2.30%
Q4 21/22	2.40%
Q1 22/23	2.40%
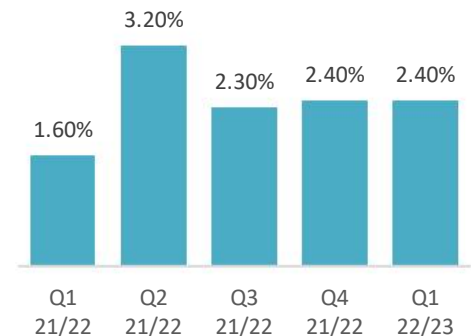
Number of Freedom of Information requests received (Council wide)

Quarter	Value
Q1 21/22	254
Q2 21/22	268
Q3 21/22	247
Q4 21/22	253
Q1 22/23	364
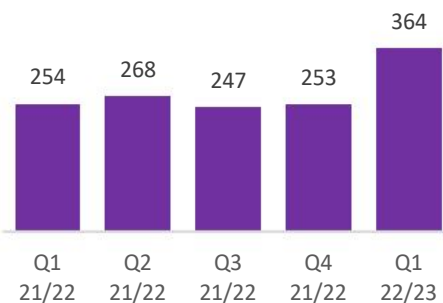
Number of Self isolation support grant applications received

Quarter	Value
21/22	3,816
Q1 22/23	609
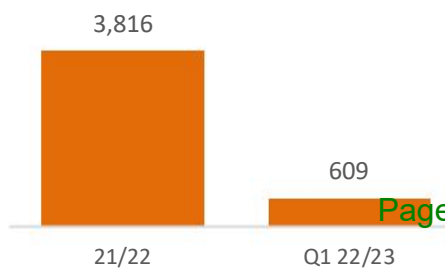
Number of Scottish Welfare Fund applications received

Quarter	Value
21/22	8,121
Q1 22/23	2,173
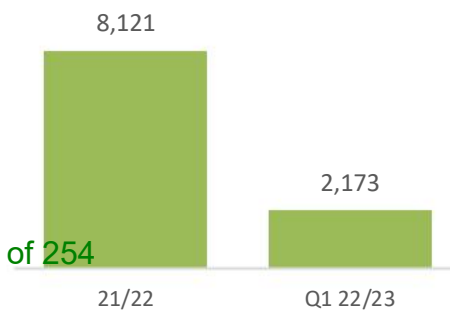
Total amount granted from Scottish Welfare Fund for crisis grants and community care grants (£)

Quarter	Value
Q1 21/22	197,205
Q2 21/22	396,832
Q3 21/22	581,677
Q4 21/22	808,000
Q1 22/23	208,730
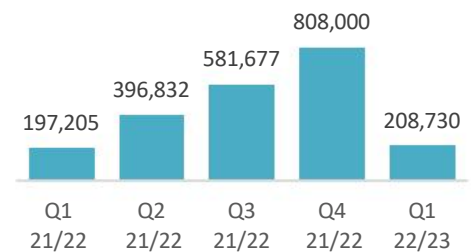
Our Customers

Our customers have choice in the way Council services are accessed and provided
Channel-shift has increased by the adoption of new digital tools and automated practices
Delivery of customer service excellence to our communities

Holistic

Modern

Hub and Spoke

One size fits one

Key highlights

Work continues on implementing the Customer Services Platform (CSP) for Midlothian Council and redesigning key services that will improve the end to end customer journey. The modules in progress (such as missed bins, registrar's certificates, customer feedback, Subject access requests) are being designed, configured, built and tested with services. The FOI/EIR module, launched earlier this year, has received positive feedback and the Registrars module is in the final testing stage and expected to launch early August 2022. Engagement continues with Service areas and a number of modules are anticipated to launch in the coming months.

In our Library Services, Lasswade and Newbattle Libraries re-opened to their pre-COVID opening hours, restoring these vital services back to their communities. Across Libraries, outreach services continued to resume such as the drop-in CAB service at Gorebridge Library. Wednesday 11th May saw Scotland's first National Reading Moment where people were asked to 'Keep the Heid and Read!' This campaign asked people to pledge to read for 6 minutes on the 11th as it's been scientifically proven that reading for that amount of time each day boost your mental health by 68%. Midlothian came 7th out of Scotland for the number of people who pledged their time. Thanks to Scottish Government COVID Relief Funding, we launched a new Bibliotherapy service for people living with long term health conditions. The 'Writing for Wellbeing' course has had very positive feedback.

Areas of improvement

There continues to be a high volumes of calls via our Contact Centre. There remains an increase in offline Social Work contact which has an impact on calls as staff are managing and responding to these contacts. There remains a significant number of applications for Scottish Welfare Fund. Resources continue to be prioritised to processing Scottish Welfare Fund and Self Isolation Grants as soon as these are received. Inevitably this has meant that processing times for change in circumstances for benefit applications etc are currently experience some delay as set out in the data below. In the quarter £208,730 was awarded from the Scottish Welfare Fund. 1,841 applications were received for Crisis grants of which 1,055 met the criteria and resulted in payments of £115,168. Community Care grant applications totalled circa 332 of which 128 payments were made totalling £93,562. In addition there were 609 applications for Self Isolation Support grants of which 162 qualified with payments totalling £69,125.
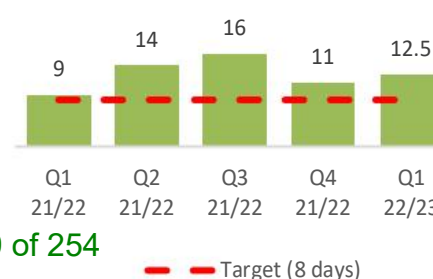
Average time in working days to respond to complaints at stage 1

	Q4 20/21	Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22
Value	2.9	4.2	4	2.3	2.7

Target (5 days)

Average processing time for new benefit claims (Days)

	Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
Value	25	38	43	57	69

Target (25 days)

Average processing time for change of circumstances (Days)

	Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
Value	9	14	16	11	12.5

Target (8 days)

Number of Contact Centre Calls

	Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
Value	44,027	42,317	37,579	44,769	40,575

Digital by default

We pledge to optimise the ways in which the Council does digital, data and technology to work effectively, collaborate, make decisions, adapt and innovate

We pledge to create better relationships between the Council and its communities by providing modern digital services that communities wants to use

We pledge to maximize opportunities for digital, data and technology to enhance quality of life, the economy, sustainability and individual opportunity in Midlothian

Modern

Holistic

Hub and Spoke

One size fits one

Key highlights

- Continued progression of the new Digital Services Strategy ensuring the Council has the capacity and skills to take forward the associated investment and delivery of plans.
- **Hybrid Working/Office refresh -** Workspaces in Midlothian and Fairfield House have been upgraded with new monitors and docking stations to support hybrid working.
- **Target Operating Model:** A new structure was agreed to strengthen the core staffing of Digital Services by Council and CMT. A service review has commenced to implement the new staffing structure.
- **Education strategy** – Preparation planning for phase 2 of the Education ambition for 1 to 1 devices (Improvements in Wi-Fi provision across schools to support wider deployment of Chromebooks and underlying technologies now complete.
- Upgrades were carried out this quarter to the Itrent system.
- **Cyber Security resilience:** The cyber risk is high. A new Cyber Analyst has been recruited and will join the Council in July. New software has been deployed to alert staff responding to phishing emails. New Vulnerability scanning software has also been deployed. Deprecated legacy software such as Internet Explorer. Council were provided with a comprehensive update report on the risk and mitigation in June 2022.
- **Cyber Security Compliance**: PSN penetration testing was conducted in April and following mitigation a report has been sent to the Cabinet Office for independent review.
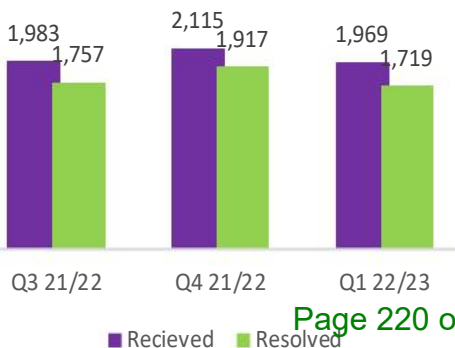
Areas of Improvement

The gap between requests received and resolved in the graphs below is principally as a consequence of the lead time for new devices, reflecting global demand and the supply chain. Where necessary interim solutions are provided and the requests closed when a permanent resolution is secured.

Work will progress on the Digital Services priorities to continue to drive the Council's vision to improve outcomes using digital and data through the Digital First board, ensure the Council is well positioned to take advantage of emerging national initiatives and exploit technology in order to reduce costs and improve services.

Number of service incidents

	Q3 21/22	Q4 21/22	Q1 22/23
Recieved	3,478	3,538	3,141
Resolved	3,280	3,325	2,982
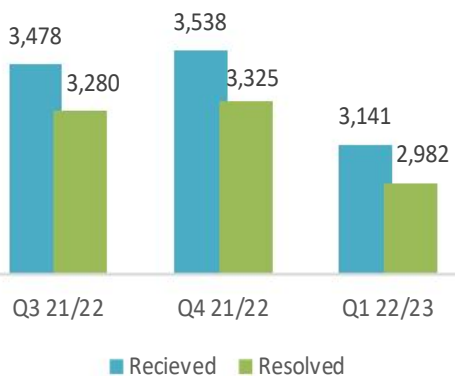
Number of service requests

	Q3 21/22	Q4 21/22	Q1 22/23
Recieved	1,983	2,115	1,969
Resolved	1,757	1,917	1,719

Our Workforce

Our people deliver high performing services
We build an entrepreneurial council for future
We demonstrate strong and consistent leadership
We Promote Equality, diversity and fairness

Holistic
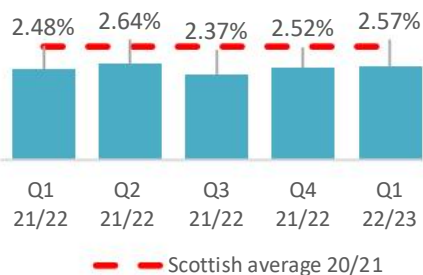
Sustainable

Hub and Spoke

Preventative

Key highlights

- This quarter we launched the Corporate Workforce Plan and roll out of workforce planning templates across all services. Succession planning will now take place to further understand the organisation and its current environment, analyse the current and potential workforce, determine future workforce needs and identify gaps against future needs.
- Transition from remote to hybrid working complete.
- Continuation of a rolling programme of Wellness@Midlothian initiatives to ensure we continue to support the wellbeing of our staff.
- We will continue to track our gender pay gaps and employee turnover rates. Turnover varies through the year .Consideration of the levels of turnover across services, locations and particular groups of employees helps to inform workforce planning and resourcing. Aside from 2020/21 where staff turnover was 5.9% the turnover rate has been consistent the last 3 years between 9-10.5%. Turnover rate over the last 3 quarters has been static between 2.3 and 2.4%.
- Employment and Reward successfully implemented the Teachers Pay Award and associated backdated payment this quarter.

Areas of improvement

Sickness absence days remain similar to that of last year council wide with no significant improvements.   For Corporate Solutions, of the FTE days lost due to sickness, 71% was due to long term sickness, 16% self-certified, 13% short term absence. While there is no identifiable trend either in short term or long term absences work continues with each service area to review attendance levels and support those staff who are absent to be able to return to work.
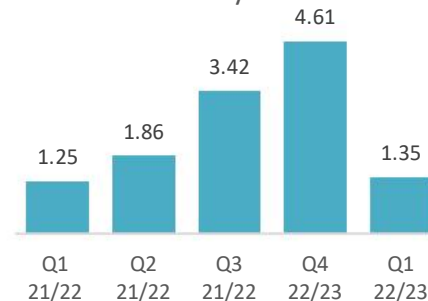
Gender pay gap between average hourly rate of pay for male and female (all employees)

Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
2.48%	2.64%	2.37%	2.52%	2.57%

— Scottish average 20/21

Sickness Absence Days per Employee - cumluative (All employees)

Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
2.88	4.81	7.26	9.33	2.71

Teacher **Sickness absense** days

Q1 21/22	Q2 21/22	Q3 21/22	Q4 22/23	Q1 22/23
1.25	1.86	3.42	4.61	1.35

Local Government employees **Sickness absence** days

Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
3.49	5.99	8.8	11.22	3.25

Finance

The revised grant settlement for 2022/23 means a further real terms reduction in core funding. The reliance on one off funding sources to balance the 2022/23 budget combined with the challenging outlook for local government funding adversely impacts on the Council 's financial sustainability and will result in the need to cut services in 2023/24 and beyond.

The Council has robust and effective financial management arrangements

Sustainable

Holistic

Modern

Preventative

Key highlights

- Completion of the 2021/22 Final Accounts for the Council in advance of the statutory deadline.
- Presentation to Council in June of a full suite of financial monitoring reports for last quarter completing the financial governance cycle for financial year 2021/22.
- In depth financial input to key projects embedded in the Medium Term Financial Strategy including Destination Hillend, Early Years Expansion, and demographic pressures in service areas, Midlothian Energy and the Learning Estate Strategy.
- Securing borrowing to finance to approved capital projects in advance of recent interest rates.
- Payments for Free School Meals and Child Bridging Payments completed for Easter and summer holidays. The Scottish Child Bridging payments bring together the Covid Hardship payment and the Family Pandemic payment for those families on low income.
- Scottish Cost of Living Awards successfully credited to Council Tax Accounts, where customer was in an exempt qualifying group they were issued a cheque.

Areas for improvement: The Scottish Government's Resource Spending review published on 31 May 2022 presented very challenging financial planning parameters for Local Government. It indicated cash flat grant settlements through to 2025/26 with a £100m increase for 2026/27. Commentators on the RSR have recognised the impact on Local Government, with both SPICe and Fraser of Allander stating that the proposals essentially represent a 7% real terms decrease in funding between 22/23 and 26/27. This is in contrast to the 4.7% real terms increase that the Scottish Government will see overall (2% if social security transfers are excluded), and the real terms increases that Health, Social Justice and Housing will see. The real term decrease planned for Local Government comes on top of significant real term reductions since 2013/14, which has driven ongoing reform, rationalisation, innovation and transformation work across Local Government. Balancing the 2022/23 budget was reliant of £10 million of one off funding and with inflation pressures and the potential for unfunded pay awards could increase to £13 million. Accordingly the recurring expenditure of £251 million for 2022/23 exceeds recurring funding by that £113 million. The challenging grant settlements indicated by the RSR presents challenges not just for the year ahead but over the medium term, with projections of recurring expenditure to provide services exceeding the recurring funding available.
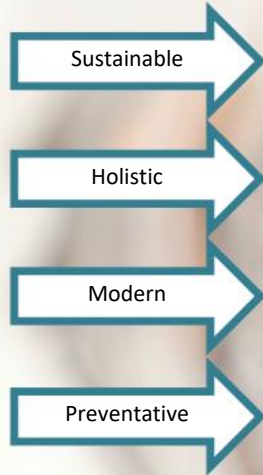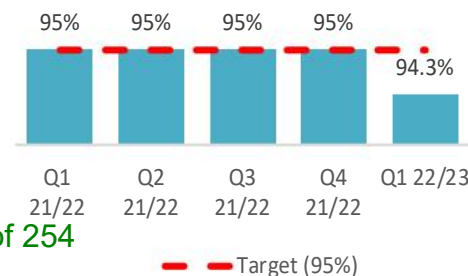
In year recovery of overpayments - % of all Housing benefit overpayments indentified

Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
129%	131%	110%	108%	146%

— Target (80%)

All recovery overpayments - as a % of all HB overpayment debt

Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
3%	7%	11%	14%	5%

— Target (20%)

% of invoices sampled and paid within 30 days - Corporate Solutions

Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
95%	95%	95%	95%	94.3%

— Target (95%)

Procurement

Best Value is evidenced Council Wide in the procurement of goods and services
Effective contract and supplier management across the whole of the procurement journey

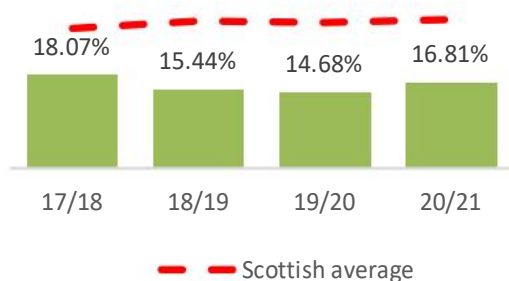Holistic

Sustainable

Hub and Spoke

One size fits one

Key highlights

- Work continues on the development of the SME/Procurement strategy. The team have reviewed and streamlined the non-competitive action process, the request for procurement process and developed a non-regulated procurement process and new contract database. The team are working to implement a review of the procurement arrangement across the Council including continuing to explore options for joint working and neighbouring councils, population and maintenance of the new contract database.

- The team continues to utilise framework agreements with Scotland Excel and Procurement for Housing (amongst others) which not only provides an easier route to market but also delivers value for money.

- A range of high value/complex contracts continue to be awarded. Other key activities include insurance tender renewal, replacement of window/door suppliers, procurement presentation to elected members, Spikes Cavell data upload complete and health and social care contracts reviewed.

- CMT agreement was secured to progress to consultation on a new structure, designed to increase the capacity and capability in this area.

Areas of improvement

Work will continue to progress on the Procurement priorities: Review and reshape the procurement service, implement learning from the Scotland excel review and in partnership with Economic Development and stakeholders continue to ensure business community benefits in the supply chain to maximise opportunities for local people.

% of procurement spent on local enterprises (LGBF)

17/18	18/19	19/20	20/21
18.07%	15.44%	14.68%	16.81%

- - Scottish average

Midlothian
Education -
Service Performance

BS.IOM.E.3.1 % of school leavers entering positive destination

BS.IOM.E.4.1 % of care experienced school leavers entering positive destination

BS.E.P.1.1d Primary school attendance vs. target

BS.E.P.1.1e Secondary school attendance vs. target

BS.E.P.1.1f Exclusions in Primary School (Rate per 1,000)

BS.E.P.1.1f Exclusions in Secondary School (Rate per 1,000)

Midlothian
Education -
Corporate Performance

ED. MPI.01 Performance against revenue budget

ED. SPSO.01 Number of Complaints Received

ED. MPI.02 Average working days lost due to sickness absence

ED. SPSO 4.1 Stage 1 Complaints response times

ED. MPI.04 % of Invoices paid within 30 days

ED. MPI.05 % of PIs on target

ED.MPI.07 % of Audit actions progressing on target or completed

ED. SPSO 4.2 Stage 2 Complaints response times

21/22: Midlothian Single Plan Priority Reducing the gap in learning outcomes

Priority 1: Attainment and Achievement

1.1 Improve attainment within the Broad General Education (BGE) stages:

Trend Data & Target

	2017	2018	2019	2021	Ave.	Target
Pr Literacy	62.25%	74.68%	72.76%	65.75%	68.86%	Tbc
Pr Numeracy	71.14%	79.63%	77.77%	72.80%	75.34%	Tbc
S3 Literacy	62.25%	74.68%	72.76%		69.90%	Tbc
S3 Numeracy	88.81%	87.68%	89.56%		88.68%	Tbc

Progress and Achievement in Q1
● Attainment visits carried out in all primary and secondary schools to review progress of learners across phases.
● The Build Back Better Team continue to support those schools with a significant attainment gap (poverty or covid). The data indicates an improvement across all measures but further improvement is still required. The continuation of Recovery funding will allow for a continued focus on improving outcomes in these schools.
● Achievement of Curriculum for Excellence Levels (ACEL) data was gathered at the end of Q1. A detailed analysis will be provided in Q2.

Plans for improvement next Quarter and year ahead
● Raising Attainment Strategy being developed with Executive Education Group (EEG), literacy working group and numeracy recovery team.
● Further targeted support from recovery team in literacy and numeracy with focus on P1, P4, P7 in schools with lowest attainment.
● Review of how we utilise Quality Assurance & Moderation Support Officers (QAMSOs) as part of QI framework and thematic reviews looking at planning learning teaching and assessment.
● Train school leaders in data analysis for improvement of attainment (e.g. how to use targeted data to improve teaching and learning).
● Targets will be added in line with review of school level targets and setting of stretch aims in line with new national expectations.

1.2 Improve attainment within the senior phase by maximising opportunities through curriculum planning, consortium arrangements and partnership delivery, including addressing the ASN Senior Phase Gap

Trend Data & Targets for School Leavers

	2018	2019	2020	2021	Ave.	Target
Lit & Num SCQF Level 4	88.93%	89.45%	90.48%	89.85%	89.93%	TBC
Lit & Num SCQF Level 5	66.33%	63.76%	65.12%	66.36%	65.08%	TBC
1+ @ Level 4	97.23%	96.67%	97.17%	95.44%	96.84%	TBC
1+ @ Level 5	85.49%	86.01%	84.43%	84.72%	85.56%	TBC
1+ @ Level 6	60.58%	56.08%	60.62%	59.98%	59.19%	TBC
5@ Lv 5	64.37%	64.34%	67.54%	70.45%	65.78%	TBC
3@ Lv 6	50.29%	50.91%	54.68%	56.56%	52.27%	TBC
5@ Lv 6	35.53%	35.96%	40.17%	42.07%	37.65%	TBC

Progress and Achievement in Q1
● Attainment meetings carried out in each secondary school to review predictions, look at progress against school improvement targets and discuss interventions to boost attainment. Easter school provision for targeted groups of students in preparation for exam diet. Senior phase students sat formal examinations/assessments in May/June. A breakdown of all results will be provided in Q2.
● Partnership with Newbattle Abbey College to provide additional qualification for key groups of senior phase students. A breakdown of results will be provided in Q2.
● The Equipped for Learning initiative has resulted in all children and young people having their own digital device. The Professional learning Academy will support the skill development of staff to ensure maximise impact on learners

Plans for improvement next Quarter and year ahead
● Full analysis of August examination/assessment results in partnership with Head Teachers (HTs) and senior

- leadership teams.
- Secondment of experienced HT to support full review of secondary curriculum and impact on positive learner destinations.
- Quality Assurance calendar agreed in partnership with HTs, to include full review of School Improvement Plans against exam/qualification results.
- Raising Attainment Strategy being developed with EEG, literacy working group and numeracy recovery team.
- Targets will be added in line with review of school level targets and setting of stretch aims in line with new national expectations.

1.3 Reduce the attainment gap between the most and least deprived children, including care-experienced children.

Trend Data & Targets

	2018	2019	2020	2021	Ave.	Target
Pr Literacy – GAP FSM vs. No FSM	22.47%	29.35%		32.24%	28.17% [a]	TBC
Pr Numeracy – GAP FSM vs. No FSM	20.69%	22.69%		27.98%	23.82% [a]	TBC
S3 Literacy – GAP FSM vs. No FSM	22.57%	22.83%			22.94% [b]	TBC
S3 Numeracy – GAP FSM vs. No FSM	12.04%	21.27%			16.35% [b]	TBC
1+ @ Level 4 – GAP FSM vs. No FSM		4.9%	2.0%	3.2%	3.4%	TBC
1+ @ Level 5 – GAP FSM vs. No FSM		23.6%	25.2%	19.8%	22.9%	TBC
1+ @ Level 6 – GAP FSM vs. No FSM		30.7%	32.0%	35.0%	32.6%	TBC

[a] Ave. is calculated from 2017-2021; [b] Ave. is calculated from 2017-2019

Progress and Achievement in Q1
- Schools remain committed to narrowing the poverty-related attainment gap. The increased use of data is leading to more outcome led Pupil Equity Fund (PEF) planning. The introduction of local stretch aims will help to maintain the focus on effective tracking and monitoring of outcomes for children.
- Practitioners' increasing understanding of poverty and its impact on health and learning outcomes (Scottish Attainment Challenge; Recovery and Progress Report 2021-2022 Education Scotland)
- Data development plans established with HTs to drive forward data-driven improvements in 2022/23 session.
- Pilot of literacy intervention for most disadvantaged 2-5 year olds took place in 5 settings. Initial analysis of impact shows an improvement in children's communication and language skills. Care Inspectorate gave positive feedback of impact of the pilot in 3 settings inspected.

Plans for improvement next Quarter and year ahead
- Challenge and support for senior leaders to ensure robust PEF planning in all schools with clear measurable outcomes.
- Health and wellbeing core stretch aims introduced and core plus stretch aims directly focused on school level interventions to narrow the poverty related attainment gap. Stretch aims incorporated in school planning for improvement.
- Professional learning for school teams in capturing of data, in order to inform high quality planning and interventions to improve outcomes.
- The Additional Support Needs (ASN) team will offer professional learning opportunities to the Professional Learning Academy to build capacity within our schools to address the gaps in attainment. This will include training on physical interventions
- Targets will be added in line with review of school level targets and setting of stretch aims in line with new national expectations.

1.4 Improved outcomes for vulnerable children and young people, and for those experiencing barriers to learning

Trend Data & Targets

	2018	2019	2020	2021	Ave.	Target
Pr Literacy - LAC/ASN Pupils	55.58%	53.26%		43.66%	47.61% [a]	TBC
Pr Numeracy - LAC/ASN Pupils	61.48%	58.64%		52.18%	55.42% [a]	TBC
S3 Literacy - LAC/ASN Pupils	68.66%	87.67%			78.17% [b]	TBC
S3 Numeracy - LAC/ASN Pupils	72.64%	68.32%			72.77% [b]	TBC
1+ @ Level 4 - LAC/ASN Pupils	91.79%	91.21%	92.95%	89.34%	91.32%	TBC
1+ @ Level 5 - LAC/ASN Pupils	63.43%	69.23%	69.80%	67.44%	67.47%	TBC
1+ @ Level 6 - LAC/ASN Pupils	32.09%	32.60%	43.96%	39.77%	37.10%	TBC

Progress and Achievement in Q1
- ASN Policies and pathways were reviewed resulting in an ASN Framework being created to help staff to identify, assess and support children with an additional need in Midlothian. The framework will be supported by an ASN training programme, for all staff, as well as those providing targeted support – through the Professional Learning Academy.
- The ASN team have trained schools in the use of a '4 levels of intervention' matrix to more accurately record needs of children and young people on our data systems.

Plans for improvement next Quarter and year ahead
- The new data officer will provide reports on attainment of children and young people with ASN, specifying specific characteristics
- The ASN team will support and challenge schools, using data to evaluate interventions
- The Care Experienced Fund will be deployed to target improved outcomes for children and young people
- The pilot of the 'Single Point of Access' will begin, supporting schools and adding to the audit of needs and interventions
- Consultation on the ASN supporting documents and processes will begin

Midlothian Single Plan Priority Reducing the gap in health outcomes

Priority 2: Included, Involved and Engaged: Wellbeing & Equity

2.1 Improve Equity and Inclusion

Trend Data & Targets

	2018	2019	2020	2021	Ave.	Target
Pr Attendance Rate	94.43%	94.70%	94.04%	95.06%	94.56%	95%
Sec Attendance Rate	89.18%	89.20%	89.37%	90.99%	89.69%	91.5%

Progress and Achievement in Q1
- A digital resource has been developed to support the consistent and confident delivery of nurturing approaches by staff across Midlothian. This is to be launched in Q2.
- The Scottish Government Parental Involvement Engagement (PIE) Survey was completed in Q1. A detailed analysis will be provided in Q2
- A Parent Council toolkit and a Parental Engagement Strategy have been developed and will go out for consultation in Q2. Learner Engagement Conferences will take place in Autumn 2022.
- The Midlothian wellbeing hub was established for Ukrainian families arriving into the local area. The hub enabled us to assess individual and family needs as well as assessing language acquisition prior to placing in schools.

Plans for improvement next Quarter and year ahead
- Half day of inset training designed for each Associated School Group (ASG) to provide bespoke professional learning in line with local progress against Nurture strategy.
- Further practice guides on relational approaches developed to support schools and settings with next phase of Nurture Strategy.
- In relation to improving attendance across all our schools, there is currently a review ongoing of the attendance policy and pathways to support. This will continue in consultation with schools and performance will be monitored closely.

2.2 Develop and improve health and wellbeing of staff and all children and young people from early level

Trend Data & Targets - Health and wellbeing survey for baseline – (New Measures)

Progress and Achievement in Q1
- Professional learning sessions delivered for teams across education and children's services, to further develop understanding of and duties in relation to UNCRC.
- Bespoke support launched in schools and ASGs to support school improvement planning through the lens of UNCRC.
- Collaborative enquiry with a focus on UNCRC launched with practitioners and leaders from schools and settings across Midlothian.

Plans for improvement next Quarter and year ahead
- Across Q2 and Q3, design a Children's Rights Review with CYP and staff across Midlothian, set against the 7 principles of a rights-based approach
- Develop and implement the Midlothian Children's Rights strategy, in partnership with Children's Services & CLLE.

Priority 3: Self-improving Systems

3.1 Develop a quality improvement framework to support schools to achieve Good or better in inspection QIs through: Empowerment of leaders at all levels, leading to an empowered system Improving quality of leadership at all levels.

Trend Data & Targets - Number of settings achieving Good or above for QI1.3 Leadership of change – 67% since 2017

Progress and Achievement in Q1
- EEG established, with representation from primary and secondary HTs across Associated School Groups. The EEG is focusing on driving forward strategic priorities in Midlothian.
- The Phase 1 Professional Learning Academy (digital and physical offer) has been created for August-December. Practitioners will help to design, build and facilitate the phase 2 offer.
- The Quality Improvement Framework and Quality Assurance Calendar were finalised in Q1 and will support the leadership and delivery of improvement in session 22-23

Plans for improvement next Quarter and year ahead
- Leadership professional learning framework being developed to support the professional learning of leaders at all levels. Will be piloted in Q2 with a cross section of leaders from across Midlothian.
- Launch DHT network against 4 key leadership development themes: learning, teaching & assessment; school culture; organisational leadership; leadership of people.
- Data plan with tracking, monitoring and data analysis tools being developed to empower leaders at all levels.

3.2 Children and families participate in, influence and inform how we deliver our services

Trend Data & Targets - Parental survey for baseline – (New Measures)

Progress and Achievement in Q1
- Parental Involvement and Engagement survey carried out across all schools, outcome to be reported Q2
- Parental Learner Liaison Officer worked with Parental Council Chair focus group to plan engagement for next session

Plans for improvement next Quarter and year ahead
- Focus groups with parents and learners to review outcome of parental engagement survey and inform and influence future service delivery and policy
- Plan and deliver Parent and Learner Conferences in partnership with parents/carers and learners

3.3 Quality Assurance activities lead to improvements in the quality of education provision across settings and schools

Trend Data & Targets - HMIE/NIF QI assessment reports baseline to be established

Progress and Achievement in Q1
- Quality Improvement Framework developed in partnership with HTs. The Framework will be launched in Q2.
- Data reports created for all attainment visits used as focus of robust discussions.
- Early Years leadership training provided for senior practitioners to improve outcomes for children.

Plans for improvement next Quarter and year ahead
- QI framework launch, with initial attainment visits beginning in September to look at attainment and School Improvement Plans.
- Quality assurance of in school data to ensure that planning for improvement of outcomes is informed by accurate and robust measures.

Midlothian Single Plan Priority Reducing the gap in economic circumstances

Priority 4: Life-Long Learning and Career-Ready Employability

4.1 Children and young people are well prepared for the world of work

Trend Data & Targets - Number of FA starts - Baseline 44 - CLL target - 80 new starts, 33 continuing pupils

Progress and Achievement in Q1

- Positive Destination figures published in May 2022 highlight a growth of 1.96% from 2019/20, and a 0.16% increase from the five year average from 2015/16-2019/20. The gap in positive destinations between leavers in most deprived vs. least deprived for 2020/21 is now only 4.2%, with 90.7% of leavers from the most deprived neighbourhoods in a positive destination. The figure and the gap are the best compared to any of our comparator authorities
- Curriculum frameworks working group established and draft curriculum frameworks are being developed to support increased breadth and depth in learning.

Priority 5: Finance & Resources

5.1 Deliver Best Value through:

- Reviewing and implementing the learning estate strategy, taking cognisance of the ASN learning estate
- Robust workforce planning
- DSM review

Learning Estate

Progress and Achievement in Q1

- There was council approval to proceed with the new Easthouses PS and Beeslack HS replacement. Work is underway to prepare bids for Phase 3 of the Scottish Government Learning Estate Investment Plan.

Plans for improvement next Quarter and year ahead

- Continual review of school roll projections to ensure we have sufficient statutory capacity. Learning estate update by cluster will be produced.

DSM Review

Progress and Achievement in Q1

- Reviewed as part of Internal Audit Recommendations - review of completed action. Noted DSM has been updated but it still needs to incorporate ASN and ELC reviews. Re-opened action and agreed new target date 31 October 2022.

Plans for improvement next Quarter and year ahead

- There will be a continual review process for the scheme to ensure best value and to reflect any national changes.

5.2 Equipped for learning:

Progress and Achievement in Q1

- Identified delivery milestones for the first phase of the Equipped for Learning programme have been delivered on time and within budget during 2021-22. These devices are being used daily in classrooms and at home. Specific pedagogical approaches, linked to the use of digital technology in the classroom are being trialled within the Newbattle Digital Centre of Excellence, as part of a practitioner-enquiry approach.

Plans for improvement next Quarter and year ahead

- The project is now on track for Phase 2 delivery, focusing on transformation of learning and teaching pedagogy and further infrastructure improvement

Challenges and Risks
22/23: - Outcome of the Education Reform Consultation and National Care Service Consultation - Uncertainty about how SQA qualifications will be assessed going forward in the future. - The continuing impact of the pandemic on attendance and on post-school destinations - Midlothian Council has a relatively high proportion of funded ELC places delivered by partners in the private and voluntary sectors. As such, any increases in the rate that is paid to funded providers would create additional upward pressure on the early years budget for 2022/23. - Rate of demographic growth on the learning estate - A full refresh of school roll projections and capacities has been undertaken to assess current and future demand. This work will inform and shape the Learning Estate Strategy over the next 5 years. - A number of schools funded through the Scottish Governments Learning Estate Investment Programme are at the briefing and design stages. There are council and developer funded projects being undertaken also. - The Roll Projection data will be checked and refreshed on a 6 month basis to ensure we have provided sufficient capacity in each catchment. - A programme of Suitability Surveys will be conducted in 2022 to ensure our Core Facts data is reflective of the current situation. - The Place Directorate are conducting Condition Surveys in all schools assets. - Increase in the number of children and young people with additional support requiring more specialist provision will require robust monitoring to ensure staffing and specialist facilities meets level of needs - There are a number of Scottish Government consultations, on issues such as school uniform and physical restraint, that are ongoing which may result in change in education policies for this coming session and beyond.

Education Complaints Indicator Summary

Commitment to valuing Complaints 4. Outcomes and Customer Feedback

Indicator	2021/22	Q1 2021/22	Q1 2022/23			Annual Target 2022/23
	Value	Value	Value	Status	Short Trend	
Number of complaints received (quarterly)	61	19	18	📈	⬆️	
Number of complaints closed in the year	59	14	18	📈	⬆️	
Number of complaints upheld (quarterly)	7	3	3	📈	⬆️	
Number of complaints partially upheld (quarterly)	10	3	0	📈	⬇️	
Number of complaints not upheld (quarterly)	16	5	2	📈	⬇️	
Number of complaints Resolved (quarterly)	24	2	13	📈	⬆️	
Average time in working days to respond to complaints at stage 1	5.54	2.22	7.06	🔴	⬇️	5
Average time in working days to respond to complaints at stage 2	29.21	13.33	0	✅	⬆️	20
Average time in working days for a full response for escalated complaints	21.33	20	0	✅	➖	20
Percentage of complaints at stage 1 complete within 5 working days	89.74%	100%	83.33%	🔴	⬇️	95%
Percentage of complaints at stage 2 complete within 20 working days	57.14%	100%	100%	✅	⬆️	95%
Percentage of complaints escalated and complete within 20 working days	66.67%	100%	100%	✅	➖	95%
Number of complaints where an extension to the 5 or 20 day target has been authorised (quarterly)	6	0	0	📈	➖	
Number of Compliments	2	1	0	📈	➖	

Education

Successes and Challenges

Midlothian

Corporate Performance Indicators (latest)
🔴 4 ✅ 8 ❓ 0 📈 8

Service Plan PIs (latest)
🔴 2 ✅ 2 ❓ 2 📈 0

Corporate PIs Off Target

PIs   🔴 4

Performance against revenue budget

Average time in working days to respond to complaints at stage 1

Percentage of complaints at stage 1 complete within 5 working days

% of Service PIs that are on target/ have reached their target. (does not include Corporate PIs)

Service Plan PIs Off Target

PIs   🔴 2

Improve Primary School attendance

Improve Secondary School Attendance

Service High Risks (latest)

🔺 2

School Capacities/Catchment Areas/Demand for Pupil Places

Failure to deliver savings

All Risks - Education

Risks   🔺 8   ✅ 16

Key PIs
🔴 Off Target
✅ On Target
📈 Data Only
❓ Data Not Yet Available

Key PIs
🔴 Off Target
✅ On Target
📈 Data Only
❓ Data Not Yet Available

Key Risks
🔺 High Risk/Medium Risk
✅ Low Risk

Place
Performance Report Quarter One 2022-23

Midlothian

Balancing the 2022/23 budget was reliant on £10 million of one off funding. Accordingly the recurring expenditure of £251 million for 2022/23 exceeds recurring funding by that £10 million.

The Place Principle

Place is where people, location and resources combine to create a sense of identity and purpose. The Place service ambition is to deliver joined-up, collaborative, and participative approaches to services, land and buildings, across all sectors within a place, enabling better outcomes for everyone and increased opportunities for people and communities to shape their own lives.

We have endorsed the place principle because we are committed to strengthening the co-ordination and integration of all place based activity. The principle is a way of bringing together ideas about services, investments, resources and assets to achieve a shared vision. We are creating a shared understanding of what a place is for and what it wants to become with partners and communities collaboratively agreeing the joint actions required to make that happen and delivering these. This approach provides our key stakeholders with a way to exercise local or regional accountability over decisions taken about the way resources, services and assets are directed and delivered.

In implementing the place principle we:

- consider the benefits of planning, investment and implementation activity at the regional level of place - where that focus could drive faster rates of sustainable and inclusive economic growth
- ensure that place based work at the local level being led by Midlothian Council and its agencies/partnerships is taken forward in a way that is integrated and complementary of all the work being taken forward in associated policy areas and plans
- exemplify the behaviours reflecting the core of the principle, working and planning together with our partners and local communities to improve the lives of people, support inclusive growth and create more successful places.

Over recent years, innovative ways of working have been introduced and services adapted at pace to respond to the needs of our citizens, in particular those experiencing the greatest levels of poverty and inequality. This has resulted in a complete transformation of how the Council works. Our services are continuing to build on this learning moving forward, harnessing the energy, flexibility and creativity demonstrated by our workforce, to embed a culture of continuous improvement and innovation across Place.

Hub and Spoke, one of Midlothian's key drivers for change, will see a locality approach to service delivery adopted, developed in conjunction with community planning partners. The opportunity to review and redesign services will result in a more efficient and effective operation of sites within local communities. This will improve service delivery, and ensure better outcomes for local communities. The continued rollout of enhanced ICT capabilities will strengthen cross service working, produce resource efficiencies and support the localisation of services.

Successes this quarter

Environmental

Midlothian Council was one of the first local authorities to sign Scotland's Climate Change Declaration, publicly acknowledging the challenges and opportunities that climate change brings with a commitment to make the Council's activities net zero carbon by 2030. Work continues to implement the Council's Climate Change Strategy and focus continues within the Place services to achieve future emissions targets. The ambitious strategy sets out how we will reduce our greenhouse gas emissions, encourage and work with others in our community to mitigate and adapt to changing climate. The strategy incorporates an action plan with a number of initiatives and ongoing programmes which together are helping to reduce our emissions and carbon footprint.

Alongside this, work continues with Midlothian Energy to develop the business case options for addressing building fabric and energy decarbonisation of the existing estate.

The annual Capital Works Programme for carriageway resurfacing continues, with 2.4km of carriageway resurfaced this quarter (0.34% of the total road network).
Also in this quarter, procurement commenced for a new contractor to deliver the lighting column replacement programme (with a target of 537 replacements expected to be met this year) as well as replacements planned for Sheriffhall Park and Ride. Progress has been made with the purchase of additional deployable CCTV units (as agreed by Council earlier in 2022), as well as the tender for traffic signalling and the public domain CCTV estate.

Following a successful funding bid to the Scottish Government's Recycling Improvement Fund, the in-cab units for Waste Services to progress their 'Digital Depot' workstyle have been received. Waste are now progressing the installation of the units in waste collection vehicles to increase efficiency through real-time reporting of service issues.

The pre-planning application was submitted to extend the Waste Transfer Shed at Stobhill Depot for the potential future collection of two streams of recycling. A further 3,540 customers have signed up to the chargeable garden waste collection service this quarter totalling 18,246 so far. In addition, 328 customers signed up to receive trade waste/recycling collections in 2022/23.

Land Services have been completing projects across the county including Easthouses Park, Millerhill Park, Kings Park and the tender evaluation for North Middleton pump track. New path works at Straiton pond also commenced this quarter. Alongside this, the team has been undertaking work including drainage and path repairs at Vogrie Country Park, Rosewell walk way, Roslin Glen and Waterfall Park and green flag submissions were made this quarter for Loanhead Memorial Park and Vogrie Park.

Work has been undertaken to improve the standard of shrub beds. Shrub beds in prominent locations have been barked to aid weeding and improve aesthetics. In addition, landscaping have ensured grass cutting standards are good across Midlothian benefiting from lessons learned during the pandemic and some additional cut and lift tractor grass cutting equipment financed by the Scottish Government's capital Nature Restoration Fund.

Economic and Regeneration

Midlothian Council's Economic Renewal Strategy sets out our ambitious approach to managing the transition from lockdown and planning for the longer term challenges the local economy will face, the strategy aims to mitigate the adverse economic impact on the local economy from COVID-19. Key aims

are to protect jobs and aid business recovery using a place based partnership approach that maximises the opportunities developing from the pandemic. Taking this partnership approach, the strategy will foster entrepreneurship, upskilling and training, addressing gaps in the market and changing the way business is done to better align this to customer behaviour. Alongside support for agriculture, tourism and the leisure and hospitality sectors, the council will also promote local jobs and self-employment opportunities, particularly for young people, to give them the necessary skills and support they need to benefit from economic recovery.

The Locate in Midlothian website continues to be a valuable tool for employability opportunities and employment support. Each social channel is targeting different audiences and each is performing well in terms of audience growth and interaction.

The Business Gateway service continues to be digitally delivered. Advisers have attended local networking events with partners to increase service reach. We have exceeded each target set for the 3 areas of business support demonstrating a level of recovery but data shows that there are still concerns around supply chain, labour shortages and Covid borrowings. We have supported 8 clients that were not aware of social enterprise as a model but did have social or environmental aims -all 8 have now expanded their initial ideas and set up as Community Interest Companies, and continue to access adviser support as they develop their social enterprises. Plans are in place for the virtual delivery of community enterprise sessions across Midlothian in 2022/23 contributing to Community Wealth Building objectives.

We have continued to maximise opportunities to support recovery of the tourism sector by supporting the development of the tourism forum's digital presence and representation on the steering group. A member benefit has been included with a quarterly roundtable meeting with Economic Development and Business Gateway to raise challenges and opportunities- early intervention in new initiatives can help accelerate those that will encourage more visitors to Midlothian. Business Gateway has referred 40 businesses to Midlothian Tourism Forum and membership is now at 55.

The Tyne Esk LEADER Scottish Rural Parliament project is now completed with a Midlothian/East Lothian needs based funding strategy produced. This will help to inform the way forward with the new fund for 22/23 and beyond. Close links with communities have been fostered and communities are open to further engagement with the Scottish Rural Parliament. Opportunities that may arise are with the Scottish Rural Youth Task Force/Scottish and Rural Islands Youth Parliament for young people, with Tyne Esk as potential first hosts, and Scotland's Older People Assembly for older people.

In quarter 1, the Planning Service lead a number of training sessions as part of the elected member induction programme, to inform the business of Local Review Body and Planning Committee, as well as preparation for the development of the next Local Development Plan. This quarter Prior to summer recess, the Planning Committee granted planning permission for the erection of 24 business (Class 4) units, a drive-through coffee shop(with associated car parking, access roads and drainage infrastructure)an application for planning permission in principle for a further three Class 4 plots all situated on land to the south of Sheriffhall roundabout. Permission was also granted for the   erection of a retail food store of 1878sqm floor space (Class 1) and formation of access roads, car parking, and associated works on land at the junction of the A701 and Pentland Road, Old Pentland, Loanhead. The Committee also approved Conservation Area Character Appraisals and Management Plans for the Eskbank and Ironmills Conservation Area and the Newtongrange Conservation Area and Supplementary Guidance for Low Density Rural Housing.

Housing and homelessness

Midlothian Council's updated Rapid Rehousing Transition Plan (RRTP) was submitted to the Scottish Government at the end of June 2022 which sets out key actions for delivery in 22/23 and addresses the next phase in transforming the services provided to meet housing need. These activities are crucial to reduce the time spent in temporary accommodation, improving the quality of temporary accommodation provided, continue to deliver Housing First and improve the health and wellbeing of those most vulnerable households. The plan also explains how Midlothian Council will address the next phase of its approach to transforming the services provided to those in housing need by developing other initiatives during 2022/23 and into 2023/24, with an emphasis on the prevention of homelessness, tenancy sustainability and early intervention.

During Q1 the number of households assessed as homeless or potentially homeless was 133, which is a 20% increase from this time last year (Q1 20/21). The number of cases provided with Advice and Assistance in Q1 was 237, which is an increase of 23% for the same period 20/21. There were 4,519 active housing applicants placed on the Common Housing Register at the end of this reporting period and 96 permanent homes have been provided to housing list applicants via the common housing register during this quarter. To aid the housing pressure, a further 22 temporary properties have been successfully changed to permanent tenancies this quarter.

The handover of the new hostel accommodation at Jarnac Court completed in Q. This newly refurbished site has 22 rooms for temporary accommodation for our homeless customers. We are working in partnership with WITHYOU and plans are being progressed for the project to open fully and begin to provide both accommodation and support to our applicants.

Housing First Annual Check-up: In Q1 Housing Services met with Homeless Network Scotland and the Scottish Government to discuss our approach to Housing First in Midlothian. This review meeting was very positive with a number of areas of good practice.

Capital programme

As Scotland's fastest growing local authority area, it is critical to delivery that investment in community infrastructure, such as housing, the learning estate, economic investment and green infrastructure, is in the right place at the right time. This will help our communities to live well, live locally and prosper.

How we invest in community infrastructure must also respond to changes in our working and living patterns brought about by the COVID-19 pandemic. Communities need to be able to readily access the services they need. Capital investment is also an opportunity to support our local economy through job creation and skills enhancement, particularly in relation to supporting a transition to a green economy as we invest in sustainable, highly energy efficient buildings.

As a growing Council, we have the opportunity to transform parts of Midlothian in a way that reflects how we live now. We will invest in community infrastructure with a focus on place-making, reducing inequalities, improving economic opportunities and improving education and health and wellbeing outcomes.

The Capital Investment Strategy brings together many strands of the Council's activities to build upon our past successes and drive forward innovation in a co-ordinated and achievable manner for the benefit of Midlothian and its citizens.

The Capital Investment Strategy sits centrally within the Council's future planning activities and in doing so has to reflect the demands of Council services to ensure positive outcomes are achieved in the right place, at the right time for the maximum benefit to Midlothian. The extensive capital programme, totalling £0.8bn, delivers new schools, a record investment in council housing, improved community infrastructure, investment in the local transport network and in innovative developments such as the new low carbon heat network in Shawfair.

To ensure Midlothian is 'building back better', this investment is also creating new jobs, apprenticeship opportunities, opportunities for businesses and communities and families hard-hit by the impact of COVID-19. These new opportunities help lead the way out of the pandemic and towards a better future for Midlothian.

The Education Learning Estate Strategy programme has been developed and is subject to regular review meetings with Education and stakeholders to ensure effective monitoring, reporting and delivery of improvement and expansion of the Education estate including early years provision. This currently covers approximately 30 projects at various stages of development.

In relation to our ambitious affordable housing programme, in total there were 334 site starts last year with 154 homes continuing construction into 22/23. In total, Midlothian Council attracted over £15m of Scottish Government grant funding into its affordable housing programme in 2021/22.

Midlothian Council is overseeing a significant housing programme. This includes the largest Passivhaus programme in Scotland, with 182 homes to be built to the exacting Passivhaus standard, in line with Midlothian Council's Net Zero Housing Design Guide. This ensures exceptionally high levels of energy efficiency and low utility bills for our residents. Progress is underway to fully open the newly conversion of Jarnac Court and will soon be providing temporary housing accommodation.

Works are underway at Polton Street in Bonnyrigg, where Midlothian Council is working closely with the Midlothian Health and Social Care Partnership to build 46 homes with onsite care, as well as an Intermediate Care Facility providing interim and respite care for up to 40 short term residents and a new Day Services facility to support older people in the refurbished former Bonnyrigg Infant School. All of the new build elements of this development will be built to Passivhaus standard.

Destination Hillend continues to move forward. The first package of works, relating to the upgrade of the junction at the entrance are now out to tender and relevant planning applications are progressing. Design development continues on the most exciting elements of this development: the alpine coaster, the zipline and the new snowsports centre.

A public consultation exercise was completed for the A701 Relief Road and that project is also progressing, with the imminent selection of a preferred route and publication of the Stage 2 Scottish Transport Appraisal Guidance report.

Utilising the Place Based Investment Fund, we have also invested in further public realm upgrades in Penicuik Town Centre, a new mobile library bus and a pop-up park in Newtongrange Town Centre. For the Town Centre Capital Fund, of the seven applications approved (£910,000) all projects are now complete with Penicuik Town Hall finishing this quarter.

Challenges

Financial sustainability has continued to dominate the agenda. In respect of inflation as well as rising energy costs and the real prospect of unfunded pay awards the quarter 1 financial reports to Council on 23 August 2022 highlight that the construction industry in Scotland and the UK is currently experiencing unprecedented adverse market conditions, which is leading to significant rises in tender prices for a wide range of materials. There is evidence that inflation of between 10% and 15% beyond BCIS predictions is affecting projects and whilst measures such as value engineering are partially mitigating cost increase there is a risk that the capital budgets will need to be increased with a resultant impact on the funding strategy. The situation continues to be monitored and as a consequence it may be necessary to both revisit existing capital plans and also review the 2022/23 service budgets and implement savings measures in the year.

The challenges for Midlothian continue with our recovery out of the pandemic, the cost of living crisis and the growing and ageing population and the increasing demand for services that this brings. Midlothian is projected to have the highest percentage change in population size of all council areas in Scotland. From 2018 to 2028, the population of Midlothian is projected to increase from 91,340 to 103,945. This is an increase of 13.8%, which is in contrast to a projected increase of 1.8% for Scotland as a whole with a 40.9% increase in older people over 75. In addition, Midlothian has 10 zones which fall into the most deprived areas giving a local share of 8.7% living in the most deprived areas in Scotland. This pace of growth demands additional capacity within the school estate to cope with the projected increase in pupil numbers. The general population growth forecast places additional pressure on our infrastructure, including the growth of the road network as new development roads are adopted, and increases the demand on essential services such as waste collection.

As part of work to address the issue of significant population growth and demographic changes within Midlothian, the key drivers of change in delivery of sustainable and transformational services and regeneration of our communities must be viewed holistically. We have endorsed the Place Principle because we are committed to strengthening the co-ordination and integration of all place based activity. This means we will:

- consider the benefits of planning, investment and implementation activity at the regional level of place - where that focus could drive faster rates of sustainable and inclusive economic growth
- ensure that place based work at the local level being led by Midlothian Council and its agencies/partnerships is taken forward in a way that is integrated and complementary of all the work being taken forward in associated policy areas and plans
- exemplify the behaviours reflecting the core of the principle, working and planning together with our partners and local communities to improve the lives of people, support inclusive growth and create more successful places.

Service Performance

56.5% of public health requests were responded to this year, a reduction compared to 61.2% responded to in Q1 21/22. This is a result of the Environmental Health team being diverted to proactively deal with the COVID-19 pandemic. This figure reflects those cases where response has been recorded in the Data Management System. It is further impacted by a number of staff vacancies. A redress of the backlog will take place during Q2 in updating the Management System which may result in revised figures.

Due to COVID-19 enhanced cleaning and janitorial services has continued to take place this year in all schools, resulting in ongoing increased weekly hours.

There continues to be a significant demand placed on homeless and temporary accommodation services. A potential key challenge will be an increase in homelessness as the financial measures put in place to protect households during the COVID-19 pandemic are now withdrawn, alongside the increase in energy, food and fuel costs, requiring a comprehensive preventative approach as set out in the Council's Rapid Rehousing Transition Plan.

Re-let time for permanent properties has increased to 45 days this quarter whilst temporary re-lets has decreased to 34 days from 41 days in Q4. Increases in permanent accommodation are due to properties requiring extensive works, delays with utility connections and some delays with furnishing contractors.

Due to changes in the Energy Efficiency regulations affecting the Scottish Housing Quality Standards (SHQS) criteria, 431 houses were identified during Q3 as failing Energy Efficiency Standards for Social Housing. We have reduced these failures from 431 to 160 to meet the 2025 targets. However, with the Electrical Installation Condition Reports (EICR's) now part of the SHQS from the 31st March 2022 we have found that 4733 fail assessment and therefore we have 34.3% meeting standard due to this. It should be noted that 100% of smoke alarm devices comply with current legislation.

Progress with annual Capital Works Programme for footway resurfacing due to focus on carriageway works is marginally off target this quarter with 0.82km of footway resurfaced to end of Q1. This includes work carried out as part of the Residential Streets Programme.

Domestic residual waste collection tonnages remain high and recycling rates have not increased this quarter which is a continued trend from the COVID-19 pandemic.

Number of Business starts ups remain similar to that of last year, however the total number of start-ups for last year represented an increase of 65% for the same period in 2020/2021. Initiatives are in place to promote and encourage businesses where possible in the current climate.

An ongoing challenge with the impacts yet to be realised in full will be mitigating the Scottish Government's decision to reject the Strategic Development Plan (SESplan2) for the South East of Scotland which leaves Midlothian and the other Council's in the region without an up to date strategic development plan.

Place

Midlothian

Successes and Challenges

Corporate Performance Indicators (latest)
🔴 5 ✅ 6 ❓ 0 📈 9

Service Plan PIs (latest)
🔴 10 ✅ 12 ❓ 2 📈 13

Corporate PIs Off Target

PIs 🔴 5

% of Service PIs that are on target/ have reached their target. (does not include Corporate PIs)

Performance against revenue budget

Average time in working days for a full response for escalated complaints

Percentage of complaints at stage 1 complete within 5 working days

Percentage of complaints escalated and complete within 20 working days

Service Plan PIs Off Target

PIs 🔴 10

Length of time (weeks) homeless applicants wait until receiving a permanent housing outcome

Percentage of the Councils housing stock meeting the 'Modern facilities & services' Scottish Housing Quality Standard criteria

% of the footpath network resurfaced (cumulative)

Corporate Indicator - Percentage of the Councils housing stock meeting the Scottish Housing Quality Standard criteria (LGBF)

Average time taken to complete non-emergency repairs (LGBF)

Percentage of Building warrant assessments processed within 10 days (rather than nationally adopted target of 20 days), fast tracking applications which provide economic benefit to the Midlothian area or people living with disabilities circumstances.

Length of time (weeks) homeless applicants spend in temporary accommodation

Determine 80% of planning applications within target (2 months for a local application and 4 months for a major application).

Percentage of the Council's housing stock meeting the 'Free from serious disrepair' Scottish Housing Quality Standard criteria

Percentage of the Council's housing stock meeting the 'Healthy, safe & secure' Scottish Housing Quality Standard criteria

Service High Risks (latest)
⚠️ 3

Staff Wellbeing

Homelessness and Temporary Accommodation - Duties as a Statutory service

Housing Services Staffing resource - To enforce the provisions of the Housing (Scotland) 2014 Act

All Risks - Place

Risks ⚠️ 36 ✅ 86

Key PIs
🔴 Off Target
✅ On Target
📈 Data Only
❓ Data Not Yet Available

Key PIs
🔴 Off Target
✅ On Target
📈 Data Only
❓ Data Not Yet Available

Key Risks
⚠️ High Risk/Medium Risk
✅ Low Risk

Midlothian Profile

Total population 93,200 Males 44,800 and females 48,400

Between **2018 and 2028,** the population of Midlothian is projected to increase by **13.8%** to **103,945** compared to **1.8%** for Scotland as a whole. *(2020)*

Economy

Employment levels are above Scottish average with **48,000** people in employment *(2021)*

Midlothian's unemployment rate (model based) between Oct 20 to Sep 21 stands at 3.4% and is below the Scottish (4.2%)

Midlothian has **2,720** businesses. 89.9% small employers, 3.7% medium and 6.4% large. *(2020)*

Job density is 0.59 (this means that there are 59 jobs for every 100 people aged 16-64) *(2020)*

Earnings

Full time average gross weekly pay is £598.60 of people living in Midlothian *(2021)*

There are **3,095** people claiming out of work benefits, the highest level of claimants since the 1990's. In November 2020, a total of **7,155** households in Midlothian were on Universal Credit.

Health and wellbeing

24.2% of adults had a **limiting long term condition in Midlothian** *(2019)*

In 2020 the **leading cause of death** for males was ischemic heart diseases **(14.5%)**

The leading cause of death for females was dementia and Alzheimer's **(12.9%)**

Households

40,137 households in Midlothian *(2020)*

By 2028, Midlothian is projected to have the **highest** percentage change in household numbers out of all 32 council areas, **an increase of 16%** compared to 4.9% for Scotland as a whole. *(2020)*

Inequality

24% of children are living in poverty in Midlothian

Midlothian has lower than Scottish average levels of social exclusion. However, geographic pockets of multiple deprivation remain, particularly within the **Central Dalkeith/ Woodburn, Mayfield & Easthouses, and Gorebridge** areas. Two areas within **Bonnyrigg and Loanhead** also now emerging as areas of concern.

Climate emergency:

While industry and commerce account for **21.2%** of carbon emissions in Midlothian, the biggest sources of carbon emissions are still **domestic heating (36.9%)** and **transport (36.6%)**
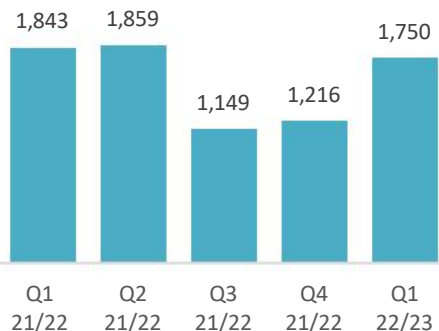
Number of complaints received

Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
1,843	1,859	1,149	1,216	1,750

Total savings in street lighting carbon emissions (Tonnes) (cumulative)

Q1 21/22, Q2 21/22, Q3 21/22, Q4 21/22, Q1 22/23

% of building warrant assessments processed within 10 days rather than nationally adopted target of 20 days

Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
50%	60%	100%	100%	75%

Target (80%)

% of waste going to landfill per quarter

Q4 20/21	Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22
11.10%	12.60%	12.40%	13.80%	12.30%

Max Tolerance (35%)
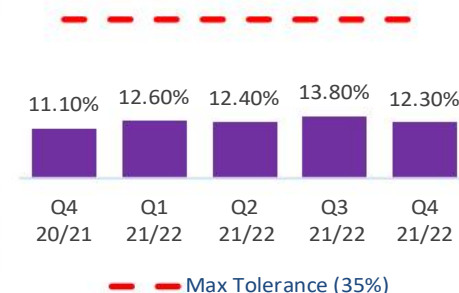
Number of Free school meals provided (Primary 1-5) (quarterly)

Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
94,488	53,445	98,390	173,042	116,176
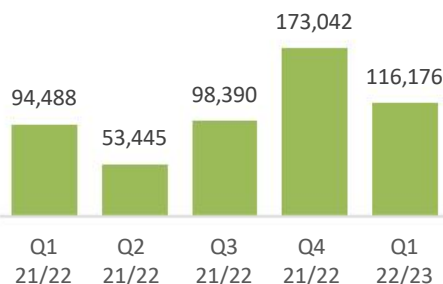
Number of environmental awards e.g. Green flags

Q4 21/22	Q1 22/23
1	
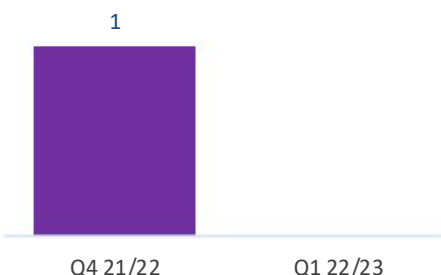
Average days to complete non-emergency repairs

Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
17.95	14.27	14.38	14.49	13.71

Target (7 days)

Number of out of control dog investigations conducted

Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
34	27	18	23	33
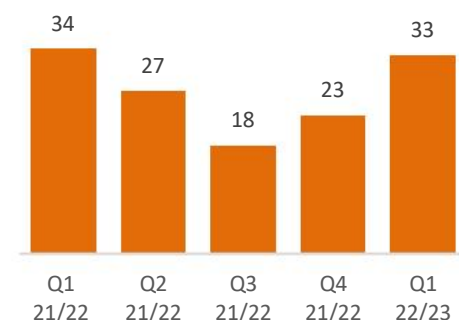
% of Councils housing stock meeting Scottish Housing Quality Standard (SHQS) criteria (Target 100%)
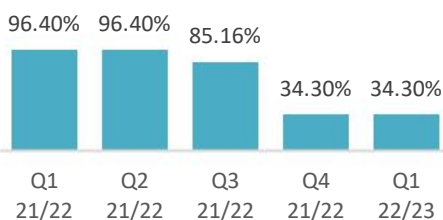
Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
96.40%	96.40%	85.16%	34.30%	34.30%

% of the Councils housing stock meeting the 'Modern facilities & services' Scottish Housing Quality Standard criteria

Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
98.40%	98.40%	98.40%	98.40%	98.40%

Target 100%
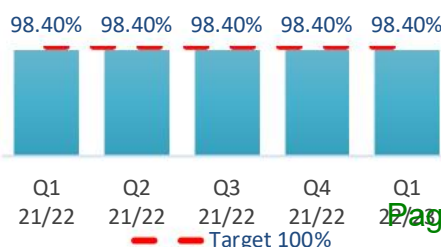
Reduce expenditure on staff Travel costs

Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
£73,129	£150,374	£227,874	£298,760	£80,908

Annual Target (22/23): £350,000

% of the footpath network resurfaced

Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
0.14%	0.15%	0.34%	0.54%	0.12%

Annual Target (0.60%)
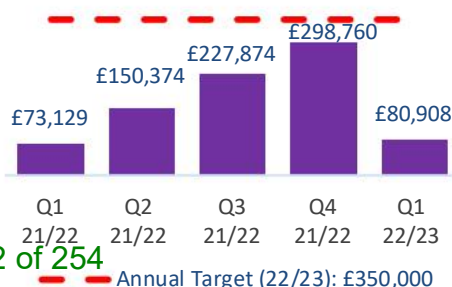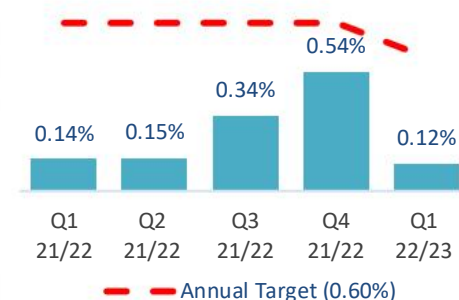
Building Services

Continue to deliver the Building Standards continuous improvement plan which forms part of the nationally adopted performance framework and is submitted to the Scottish Government.
Continue to deliver the additional programmes of work identified by the house condition surveys to maintain Scottish Housing Quality Standard for the Councils housing stock.
Deliver the Energy Efficiency Standard for Social Housing (EESSH) programme.
Continue to improve the delivery of Building Maintenance services through the review of mobile working, process improvements, income and productivity.
Implementation of the Local Authority Carbon Management Plan and General Services Capital programme.

Holistic

Modern

Sustainable

Preventative

Key highlights

Building Standards continues to provide a high level of customer satisfaction against an increasing demand by co-ordinating working arrangements with partners, monitoring performance, identifying any dips, publishing information on this together with any remedial action, identifying customer needs and ensuring appropriate resources are available to meet those needs.

Capital programme: In relation to our ambitious affordable housing programme, in total there were 334 site starts during 21/22 with 154 homes continuing construction into 22/23. In total, Midlothian Council attracted over £15m of Scottish Government grant funding into its affordable housing programme last year. This includes the largest Passivhaus programme in Scotland, with 182 homes to be built to the exacting Passivhaus standard, in line with Midlothian Council's Net Zero Housing Design Guide. This ensures exceptionally high levels of energy efficiency and low utility bills for our residents. Progress is underway to fully open the newly conversion of Jarnac Court and will soon be providing temporary housing accommodation. The Education Learning Estate Strategy programme continues to progress this quarter and currently covers approximately 30 projects at various stages of development. A public consultation exercise was completed for the A701 Relief Road and that project is also progressing, with the imminent selection of a preferred route and publication of the Stage 2 Scottish Transport Appraisal Guidance report. Utilising the Place Based Investment Fund, we have also invested in further public realm upgrades in Penicuik Town Centre, a new mobile library bus and a pop-up park in Newtongrange Town Centre. For the Town Centre Capital Fund, of the seven applications approved (£910,000) all projects are now complete with Penicuik Town Hall finishing this quarter.

Areas of improvement

Building Standards continues to receive a high level of building warrants and requests for site inspections, specifically those relating to the housing development sector. Although the percentage of building warrants assessments is off target, the service continues to look at ways to reduce the impact of site inspection requests and where ever possible undertake virtual inspections. Also review the way housing developers interact and provide required supporting documentation to allow the acceptance of completion certificates.

Due to changes in the Energy Efficiency regulations affecting the Scottish Housing Quality Standards (SHQS) criteria, 431 houses have been identified as failing the Energy Efficiency Standard for Social Housing (ESSH). We have reduced these failures from 431 to 160 to meet the 2025 targets. However, with the Electrical Installation Condition Reports (EICR's) now part of the SHQS from the 31st March 2022 we have found that 4733 fail assessment and therefore we currently have 34.3% meeting standard. It should be noted that 100% of smoke alarms comply with current legislation. Contracts are in process to address the EICRs and 160 properties for EESSH.

Satisfaction % relating to key areas in Building standards including those on delivery, timeliness, information, access and the quality of customer service

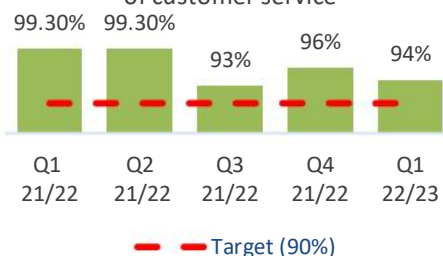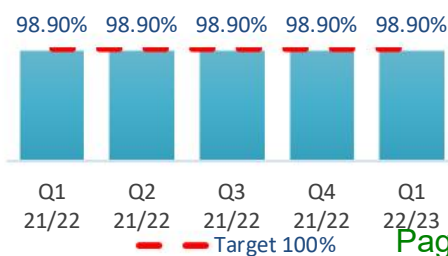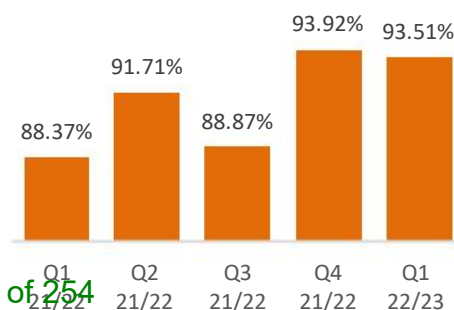| Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
99.30%	99.30%	93%	96%	94%

- - - Target (90%)

% of the Council's housing stock meeting the 'Free from serious disrepair' Scottish Housing Quality Standard criteria

Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
98.90%	98.90%	98.90%	98.90%	98.90%

- - - Target 100%

% of completed first priority repairs within target of 24hrs

Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
88.37%	91.71%	88.87%	93.92%	93.51%

% of completed second priority repairs within target of 7 days

Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
87.69%	88.93%	87.70%	88.34%	85.96%
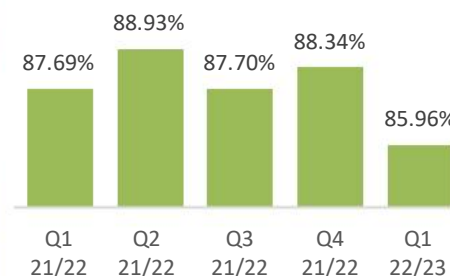
Property and Facilities Management

Develop carbon reduction targets for Council properties and support of sustainable low carbon energy targets and district heating schemes.

Support the delivery of the Economic Renewal Strategy through the letting and sale of Property Investment Account properties.

Lead the acquisition and disposal of identified sites in Capital and Local Plans, Learning Estate and Housing programmes and the climate change agenda.

Continue to deliver Building Rationalisation and hybrid working.

Maintain compliance and review Health and Nutrition of school meals in accordance with new Scottish Government legislation.

Increase revenue throughput the commercial sector of catering services.

Continue to provide a catering and facilities service that reacts to, and meets the requirements of the Early Years expansion programme.

Asset based

Modern

Hub and Spoke

Preventative

Key highlights

Energy: Work continues with Midlothian Energy to develop business case options for addressing building fabric and energy decarbonisation of the existing estate.

Hopefield Economic Development Site
Report submitted to Council to proceed with outline feasibility proposals and was approved. Work will now begin to develop proposals to a full business case and outline planning submission stage. Further proposals to expand the Property Investment Account holdings are also being considered.

Asset Valuation: Asset Valuation was completed and submitted to Finance this quarter.

A total of 239,193 schools meals were provided during quarter 1 for nursery, primary and secondary schools. Cleaning Services continue to provide enhanced cleaning, fogging, touchpoint cleaning and additional Janitorial support across all Council Buildings. In addition, cleaning services were awarded cleaning contracts for Melville Housing.

Areas for improvement
Stobhill Depot: Progressing the Masterplan and optimising the site value to provide support funding for the proposed new depot as we now initiate pre planning discussions, these may prove challenging as the proposed alternative uses, and options raise planning concerns which will need to be worked through but that are vital in optimising the value of the site in support the overall budget.
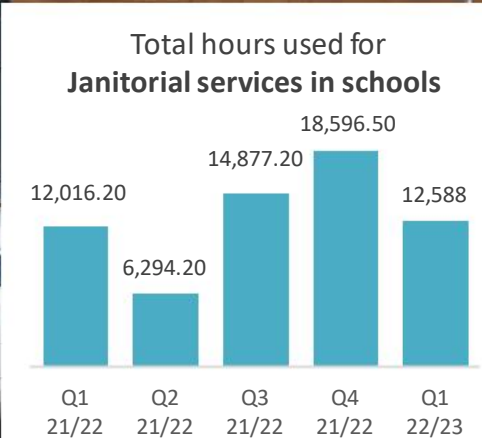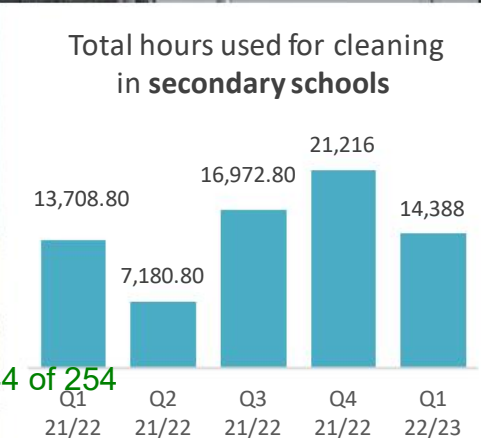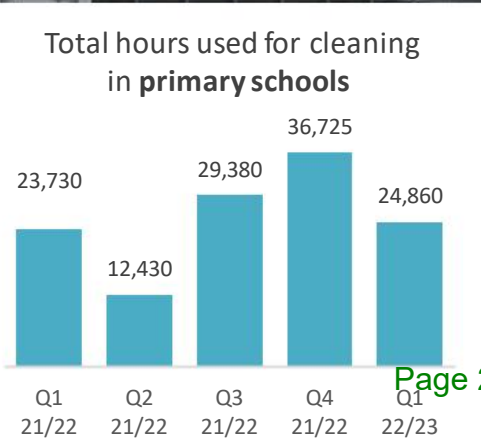
Energy & Net Zero: International instability are impacting on energy prices and Midlothian current reliance on Carbon based fuel and lack of historical investment in alternative energy sources makes us potentially vulnerable increasing and fluctuation prices. Current framework contract agreements are currently protecting the Council from significant increases. We continue to monitor usage but this will be an ongoing challenge for the foreseeable future, with the need to also invest in fabric improvements and Net Zero also presenting a corresponding technical, financial and resource challenge.

Total hours used for cleaning in **primary schools**

Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
23,730	12,430	29,380	36,725	24,860

Total hours used for cleaning in **secondary schools**

Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
13,708.80	7,180.80	16,972.80	21,216	14,388

Total hours used for **Janitorial services in schools**

Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
12,016.20	6,294.20	14,877.20	18,596.50	12,588

Housing

Increase the number of homeless households that obtain permanent accommodation, and half the average time taken to complete homeless duty from 105 weeks to 52 weeks.
Implement Midlothian Council's Allocation Policy.
Implement the approach to housing those with complex needs through a 'Housing First' model.
Review void management to minimise re-let timescales and further development of our tenancy support to improve the sustainability of tenancies.
Introduce a new strategy to reduce drug deaths within Midlothian homelessness accommodation.

Holistic

Modern

Hub and Spoke

One size fits one

Key highlights

Midlothian Council's updated Rapid Rehousing Transition Plan (RRTP) was submitted to the Scottish Government at the end of June 2022 which sets out key actions for delivery in 22/23 and addresses the next phase in transforming the services provided to meet housing need. These activities are crucial to reduce the time spent in temporary accommodation, improving the quality of temporary accommodation provided, continue to deliver Housing First and improve the health and wellbeing of those most vulnerable households. The plan also explains how Midlothian Council will address the next phase of its approach to transforming the services provided to those in housing need by developing other initiatives during 2022/23 and into 2023/24, with an emphasis on the prevention of homelessness, tenancy sustainability and early intervention.

During Q1 the number of households assessed as homeless or potentially homeless was 133, which is a 20% increase from this time last year (Q1 20/21). The number of cases provided with Advice and Assistance in Q1 was 237, which is an increase of 23% for the same period 20/21. There were 4,519 active housing applicants placed on the Common Housing Register at the end of this reporting period and 96 permanent homes have been provided to housing list applicants via the common housing register during this quarter. To aid the housing pressure, a further 22 temporary properties have been successfully changed to permanent tenancies this quarter.

The handover of the new hostel accommodation at Jarnac Court completed in Q. This newly refurbished site has 22 rooms for temporary accommodation for our homeless customers. We are working in partnership with WITHYOU and plans are being progressed for the project to open fully and begin to provide both accommodation and support to our applicants.

Housing First Annual Check-up: In Q1 Housing Services met with Homeless Network Scotland and the Scottish Government to discuss our approach to Housing First in Midlothian. This review meeting was very positive with a number of areas of good practice.
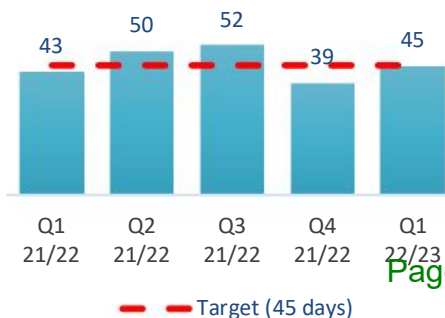
Areas for improvement
There continues to be a significant demand placed on homeless and temporary accommodation services. A potential key challenge will be an increase in homelessness as the financial measures put in place to protect households during the Covid pandemic are now withdrawn, alongside the recent increase in energy, food and fuel costs, requiring a comprehensive preventative approach as set out in the Council's Rapid Rehousing Transition Plan.

Re-let time temporary accommodation properties (Days)

Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
39	29	40	41	34

- - - Target (35 days)
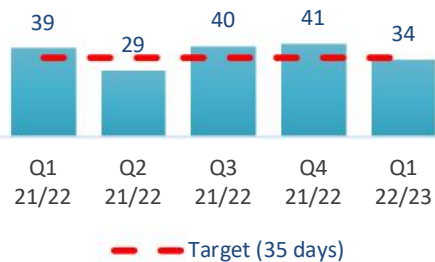
Re-let time permanent properties (calendar days)

Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
43	50	52	39	45

- - - Target (45 days)

106 weeks wait time until homeless applicants receive a permanent housing option. *To note: The Council's Rapid Rehousing Transition Plan set a target of 52 weeks by 31 March 2024.*

88 weeks was length of time homeless applicants spent in Temporary accommodation. Lets to legacy homeless applicants resulting in increased time spent in temporary accommodation.

Neighbourhood Services

Transform service delivery through the adoption of digital and mobile platforms.
Improve and expand active travel and public transport for Midlothian residents.
Continue to progress actions to reach the Scottish Government targets to recycle 70% of all waste.
Develop a comprehensive asset database management plan for all Neighbourhood Services assets.
Continue to invest in the workplace across all Neighbourhood Services teams to develop sustainable career pathways and generic working model to grow talent and foster leadership opportunities.

Holistic

Sustainable

Preventative

One size fits one

Key highlights

Good progress with annual Capital Works Programme for carriageway resurfacing, 2.4km of carriageway has been resurfaced this quarter (0.34% of the total road network) including the Residential Streets programme. Procurement commenced for a new contractor to deliver the lighting column replacement programme (with a target of 537 replacements expected to be met this year) as well as replacements planned for Sheriffhall Park and Ride. Progress has been made with the purchase of additional deployable CCTV units (as agreed by Council earlier in 2022), as well as the tender for traffic signalling and the public domain CCTV estate.

Following a successful funding bid to the Scottish Government's Recycling Improvement Fund, the in-cab units for Waste Services to progress their 'Digital Depot' workstyle have been received. Waste are now progressing the installation of the units in waste collection vehicles to increase efficiency through real-time reporting of service issues. The pre-planning application was submitted to extend the Waste Transfer Shed at Stobhill Depot for the potential future collection of two streams of recycling. A further 3,540 customers have signed up to the chargeable garden waste collection service this quarter totalling 18,246 so far. In addition, 328 customers signed up to receive trade waste/recycling collections in 2022/23.

Land Services have been completing projects across the county including Easthouses Park, Millerhill Park, Kings Park and the tender evaluation for North Middleton pump track. New path works at Straiton pond also commenced this quarter. Alongside this, the team has been undertaking work including drainage and path repairs at Vogrie Country Park, Rosewell walk way, Roslin Glen and Waterfall Park and green flag submissions were made this quarter for Loanhead Memorial Park and Vogrie Park.

Work has been undertaken to improve the standard of shrub beds. Shrub beds in prominent locations have been barked to aid weeding and improve aesthetics. In addition, landscaping have ensured grass cutting standards are good across Midlothian benefiting from lessons learned during the pandemic and some additional cut and lift tractor grass cutting equipment financed by the Scottish Government's capital Nature Restoration Fund.

Areas for improvement

Progress with annual Capital Works Programme for footway resurfacing due to focus on carriageway works is marginally off target this quarter. 0.82km of footway resurfaced to end of Q1. This includes work carried out as part of the Residential Streets Programme. Domestic residual waste collection tonnages remain high and recycling rates have not increased this quarter which is a continued trend from the COVID pandemic.

Domestic residual waste collection tonnages remain high. This is likely to impact the household waste recycling rate for 2021.

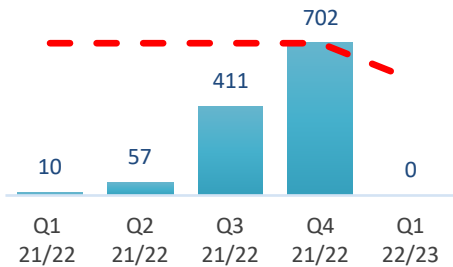**8.2%** of Council fleet which is 'Green'

100% of all street lights completed within 7 days

Number of lighting columns replaced (cumulative)

Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
10	57	411	702	0

- - - 22/23 target - 537

% of total household waste that is recycled(Tonnes) (cumulative)

Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22
51.1%	48.40%	45.10%	47.50%
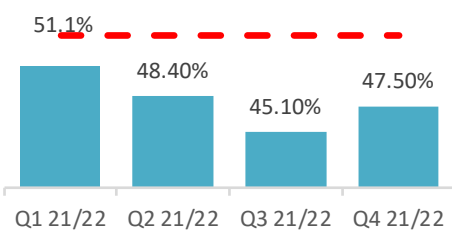
- - - Target (54%)

% of total road network resurfaced (cumulative)

Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
0.13%	0.47%	0.93%	2.05%	0.34%
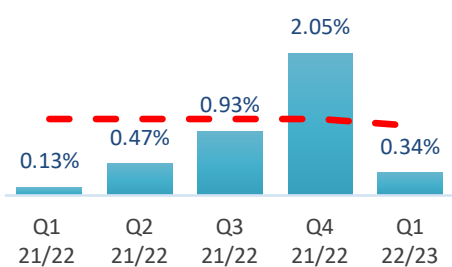
- - - Annual target (1%)

Planning and Economy

Achieve the aims set out in the Planning Performance Framework (PPF)

Continue to embed the Climate Change Strategy and deliver against the action plan.

Implement year 3 of a 5 year Penicuik Heritage project which delivers public realm improvements and investment in heritage assets in the town centre

Draft and adopt supplementary guidance on the 'Quality of Place' which will be used as a tool to enhance place-making within Midlothian

Draft and adopt supplementary guidance on 'Developer Contributions' which will be used as a tool to secure financial contributions towards infrastructure to meet the demands arising from new development

Implement the statutory requirements of the new Planning Act 2019 which places additional burdens onto the Planning Service

Deliver on the objectives identified in the Strategy for Growth 2020-25

Maintain and grow the client reach of Business Gate way services in Midlothian and continue to develop locate in Midlothian

Sustainable

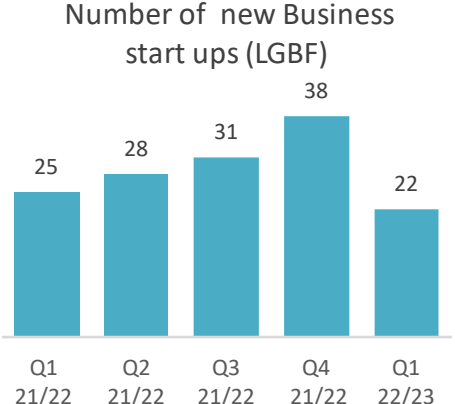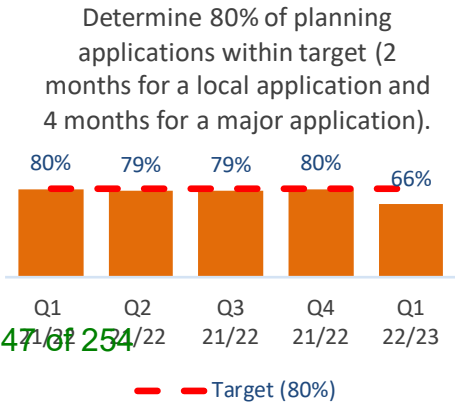Preventative

Holistic

Hub and Spoke

Key highlights

The Business Gateway service continues to be digitally delivered. Advisers have attended local networking events with partners to increase service reach. We have exceeded each target set for the 3 areas of business support demonstrating a level of recovery but data shows that there are still concerns around supply chain, labour shortages and Covid borrowings. We have supported 8 clients that were not aware of social enterprise as a model but did have social or environmental aims -all 8 have now expanded their initial ideas and set up as Community Interest Companies, and continue to access adviser support as they develop their social enterprises. Plans are in place for the virtual delivery of community enterprise sessions across Midlothian in 2022/23 contributing to Community Wealth Building objectives.

We have continued to maximise opportunities to support recovery of the tourism sector by supporting the development of the tourism forum's digital presence and representation on the steering group. A member benefit has been included with a quarterly roundtable meeting with Economic Development and Business Gateway to raise challenges and opportunities- early intervention in new initiatives can help accelerate those that will encourage more visitors to Midlothian. Business Gateway has referred 40 businesses to Midlothian Tourism Forum and membership is now at 55.

The Tyne Esk LEADER Scottish Rural Parliament project is now completed with a Midlothian/East Lothian needs based funding strategy produced. This will help to inform the way forward with the new fund 22/23 and beyond. Close links with communities have been fostered and communities are open to further engagement with the Scottish Rural Parliament. Opportunities that may arise are with the Scottish Rural Youth Task Force/Scottish and Rural Islands Youth Parliament for young people, with Tyne Esk as potential first hosts, and Scotland's Older People Assembly for older people.

In quarter 1, the Planning Service lead a number of training sessions as part of the elected member induction programme, to inform the business of Local Review Body and Planning Committee, as well as preparation for the development of the next Local Development Plan. This quarter Prior to summer recess, the Planning Committee granted planning permission for the erection of 24 business (Class 4) units, a drive-through coffee shop(with associated car parking, access roads and drainage infrastructure)an application for planning permission in principle for a further three Class 4 plots all situated on land to the south of Sheriffhall roundabout. Permission was also granted for the erection of a retail food store of 1878sqm floor space (Class 1) and formation of access roads, car parking, and associated works on land at the junction of the A701 and Pentland Road, Old Pentland, Loanhead. The Committee also approved Conservation Area Character Appraisals and Management Plans for the Eskbank and Ironmills Conservation Area and the Newtongrange Conservation Area and Supplementary Guidance for Low Density Rural Housing.

Areas for improvement: An ongoing challenge with the impacts yet to be realised in full will be migrating the Scottish Government's decision to reject the Strategic Development Plan (SESplan2) for the South East of Scotland which leaves Midlothian and the other Council's in the region without an up to date strategic development plan.

Determine 80% of planning applications within target (2 months for a local application and 4 months for a major application).

Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
80%	79%	79%	80%	66%

- - - Target (80%)

Number of new Business start ups (LGBF)

Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
25	28	31	38	22

Protective Services

Continue to deliver the Council's regulatory functions with respect to food hygiene and standards regulations
Regulate Health and Safety across Midlothian through the investigation of workplace accidents
Restart a programme of test purchase for under-age goods
Implement a robust business continuity management system and business continuity approach
Continue to identify and respond to incidents of rogue trading

Holistic

Preventative

Hub and Spoke

One size fits one

Key highlights

- Midlothian Council Asymptomatic COVID-19 Testing Programme commenced in 2021 with a team of staff recruited, trained and testing delivered across various sites throughout Midlothian. Much focus for staff in Protective Services has been placed on the COVID testing programme. As of this quarter ATS testing concluded in accordance with Government direction.
- As a result of active involvement or advice by the Trading Standards Service, refunds of at least £12,500 were made to consumers this quarter.
- 37 primary inspections were carried out this quarter. The number of inspections annually is dependent on the number of business premises risk assessed for inspection. Revised annual target for 22/23 is 150. Some fluidity is required in that existing premises cease trading and new premises open and may require inspection. Also, new businesses found can also be inspected.
- A total of 53 Trading Standards consumer complaints were received this quarter with 48 completed and 43 completed within 14 days. Completion is not fully within service control as complainants and traders can be slow to respond to enquiries. Trading Standards seek to contact consumers and traders as early as possible to maximise time. In addition to consumer complaints, the service were proactive in accepting 19 Notifications from Advice Direct Scotland, the national call centre where 18 were complete.
- 33 out of control dog investigations were carried out this quarter. Although this figure remains similar to Q1 of 21/22, a significant number of investigations required statutory enforcement action compared to this time last year. The team successfully served noticed in all incidents where sufficient evidence was available to demonstrate that a dog had been out of control. Rising figures could be as a result of an increase in less socialised dogs as a fall out from the pandemic.

Areas of improvement

56.5% of public health requests were responded to this year, a reduction compared to 61.2% responded to in Q1 21/22. This is a result of the Environmental Health team being diverted to proactively deal with the COVID-19 pandemic. This figure reflects those cases where response has been recorded in the Data Management System. It is further impacted by a number of staff vacancies. A redress of the backlog will take place during Q2 in updating the Management System which may result in revised figures.
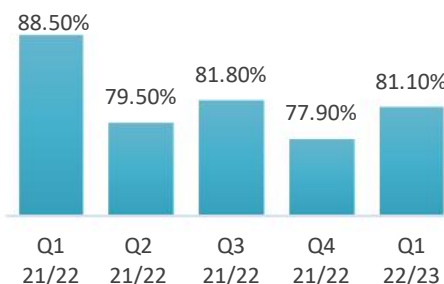
33.3% of dog control investigations required statutory enforcement action this quarter. A significant increase from **8.82%** in Q1 21/22.

56.5% of all Public Health service requests responded to this quarter.

Number of primary inspections conducted (quarterly)

Quarter	Value
Q1 21/22	30
Q2 21/22	22
Q3 21/22	70
Q4 21/22	122
Q1 22/23	37
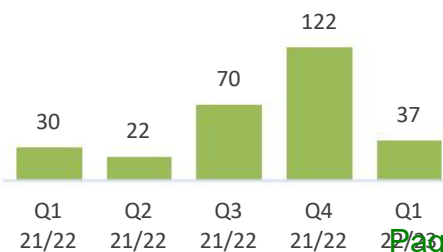
% of consumer complaints completed within 14 days (cumulative)

Quarter	Value
Q1 21/22	88.50%
Q2 21/22	79.50%
Q3 21/22	81.80%
Q4 21/22	77.90%
Q1 22/23	81.10%

Midlothian Council Report
Quarter One 2022/23

Progress Against Strategic Outcomes

Individuals and communities in Midlothian will be able to lead healthier, safer, greener and successful lives by 2030. No child or household need live in poverty. Midlothian will be a Great Green Place to Grow by achieving our net zero carbon ambitions.

We are focussing on our new Single Midlothian Plan to reduce the impact of poverty on our most vulnerable.

Midlothian's Child Poverty report 2020 set out Midlothian's commitment to eradicating child poverty by 2030.

The three drivers for achieving this are:

- reduce the cost of living
- increase income from employment
- and increase income from social security and benefits in kind

We are also committed to improving health outcomes by working with partners to develop and maintain services close to home that support the needs of local people

The Climate Emergency Group's values are to get to net zero equitably, taking into account different people and communities' capacities and abilities to get there. Scotland's national target is to be Net Zero by 2045. Following the motion to Council in 2019, in January 2020 the Community Planning Partnership (CPP) agreed to make meeting the Climate Emergency target of 'Reducing Midlothian Carbon emissions to net zero by 2030' a priority in its shared partnership work.

Whilst a full update for the performance for each of the Council's Service areas is published separately, this report reflects an overview of the key service updates, against the thematic areas of the Single Midlothian Plan.

Single Midlothian Plan Themes in 2022/23

Adult, Health and Care - Achievements
Responding to growing demand for adult social care and health services

Our Vision: People in Midlothian are enabled to lead longer and healthier lives.
Our Values: Right support, right time, right place.

Midlothian Integration Joint Board plan and direct the services that are delivered by Midlothian Health and Social Care Partnership (HSCP). The HSCP is a partnership between NHS Lothian and Midlothian Council and is responsible for services that help Midlothian residents to live well and get support when they need it. This includes all community health and social care services for adults in Midlothian and some hospital based services such as Accident and Emergency.

In order to meet the legal requirements of the Public Bodies (Joint Working) (Scotland) Act 2014, the HSCP was required to develop, consult on, and publish a new 3 year Strategic Plan in 2022. The new Strategic Plan for 2022-25 was published in April 2022.

HSCP COVID-19 Response - The Health and Social Care Partnership, its partners and the communities it serves continued to be impacted by the COVID 19 pandemic. A recent spike in infections has caused continued significant pressure on our workforce due to absences. The Health and Social Care Partnership has maintained delivery of services and continues to work with its partners to ensure resources are being managed and deployed to cover staff absences where needed and continue to develop our remobilisation plans.

Learning Disabilities: The effective use of the Community Living Change Fund represents an important part of delivering high quality community based support for people with Complex needs in Midlothian and avoiding hospital delays and out of area placements. The formation of a Complex Care Expert Panel was agreed at the June Finance and Performance Group and this will oversee spending of Midlothian's Complex Care Community Fund up to March 2024.

Older People: Extra Care Housing: As with many other areas, Midlothian faces many challenges in addressing the housing and care needs of an ageing population with increasingly complex requirements. Extra Care Housing is a model of accommodation and care that supports people to live in their own tenancy. Work was progressed on 3 sites to provide 106 ECH bungalows or flats.

Moving into a new phase of Covid-19 the Care Home Support Team will continue to provide support in a more planned, proactive way, working alongside Care Home Staff in an advisory role, whilst remaining responsive when necessary. The focus will remain on care provision, applying principles of Quality Improvement, through project-based work.

Care at Home: Care at Home continues to be a key contributor to the HSCP vision for people to receive the right care in the right place; in their home and community as far as possible. It supports efforts to reduce length of hospital stay, as well as admission avoidance. Care at Home is currently provided by the HSCP and external providers. Care at Home services continue to meet community needs by allocating new packages of care weekly.

Mental Health: Midlothian has invested strongly in its Primary Care Mental Health Team, which, since 2019, has been developed, and rolled out to all 12 GP practices, offering direct access to mental health triage, assessment and brief intervention for people aged 18-65. The team is multi-disciplinary and delivers a community-based access service in partnership with the General practitioners, voluntary sector, third sector and other relevant statutory services.

There continues to be strong partnership working between Housing, Health and Social care and third sector providing support and housing for individuals with complex needs, through the housing first model.

Community Safety – Achievements
Ensuring Midlothian is a safe place to live, work and grow up in

Justice in Midlothian went live with our bespoke Bail Services. Through the introduction of Midlothian Bail Services we intend to provide the Courts a credible alternative to the use of remand where individuals are assessed as needing support and supervision to meet their bail conditions. It is intended to reduce the number of individuals normally resident in Midlothian being held on remand pending trial, or for reports after conviction, who with appropriate safeguards in respect of public protection could be released on bail to the community.

Substance Misuse: Key services based in Number 11 in Dalkeith continued to provide services including outreach treatment, injecting equipment provision [IEP], naloxone, information/advice. There has been an impact of Covid related sickness and absence on service delivery. There are also challenges with recruitment at the moment.

Getting it Right for Every Midlothian Child - Achievements
Improving outcomes for children, young people and their families

"All children, young people, adults and families in Midlothian are supported to be the best they can be. This is achieved through a nurturing, respectful and collaborative approach that promotes wellbeing, equity and inclusion."

The Promise: The Promise is a key driver for moving forward and shaping the future of children's services. Following a nationally published report which was initially critical of Councils for what was perceived to be a lack of progress towards the commitments, Midlothian Council has played a key role in providing CoSLA with information to showcase the work being done. Our local report was developed around the five priority areas and key milestones which are: A Good Childhood; Whole Family Support; Supporting the Workforce; Planning and Building Capacity.

Positive Destination figures published in May 2022 highlight a growth of 1.96% from 2019/20, and a 0.16% increase from the five year average from 2015/16-2019/20. The gap in positive destinations between leavers in most deprived vs. least deprived for 2020/21 is now only 4.2%, with 90.7% of leavers from the most deprived neighbourhoods in a positive destination. The figure and the gap are the best compared to any of our comparator authorities

Attainment and Achievement: *Improve attainment within the Broad General Education (BGE) stages*:

Progress and Achievement in Q1

•   Attainment visits carried out in all primary and secondary schools to review progress of learners across phases.

•   The Build Back Better Team continue to support those schools with a significant attainment gap (poverty or covid). The data indicates an improvement across all measures but further improvement is still required. The continuation of Recovery funding will allow for a continued focus on improving outcomes in these schools.

•   Achievement of Curriculum for Excellence Levels (ACEL) data was gathered at the end of Q1. A detailed analysis will be provided in Q2.

•   Attainment meetings carried out in each secondary school to review predictions, look at progress against school improvement targets and discuss interventions to boost attainment. Easter school provision for targeted groups of students in preparation for exam diet. Senior phase students sat formal examinations/assessments in May/June. A breakdown of all results will be provided in Q2.

•   The Equipped for Learning initiative has resulted in all children and young people having their own digital device. The Professional learning Academy will support the skill development of staff to ensure maximise impact on learners

Improving Opportunities Midlothian - Achievements
Creating opportunities for all and reducing inequalities

Customer Services Strategy: The Customer Service Strategy defines the key drivers that will enable Midlothian Council to deliver 'customer service excellence' to our communities. It outlines the commitment to provide choice to the customer in the way services are accessed and provided. This includes innovation, partnership working and optimising the use of technology within resource constraints. The strategy will help us to change the way we deliver services utilising the latest technologies and linking to national frameworks.

As one of the fastest growing areas in Scotland, the Council cannot support more customers using the current resources, systems and processes. This means that the adoption of digital and automated processes will be key to continuing to provide a seamless customer journey, satisfying enquiries at the first point of contact and meeting increased demand.

Sport and Leisure: Gorebridge Leisure Centre which was utilised as a mass vaccination centre began to operate as a leisure centre with the gym re-opening.

The Active Schools Team have continued to ensure a safe & positive return to sport, re-engaging and rebuilding our Active Schools programme to provide opportunities for our Midlothian young people. The programme has continued to grow with more opportunities to be active being available and more volunteers working in our varied programme.

Sustainable Growth - Achievements
Growing the local economy by supporting business growth and responding to growing demand for housing in a sustainable environment

"Place is where people, location and resources combine to create a sense of identity and purpose. The Place service ambition is to deliver joined-up, collaborative, and participative approaches to services, land and buildings, across all sectors within a place, enabling better outcomes for everyone and increased opportunities for people and communities to shape their own lives."

Over recent years, innovative ways of working have been introduced and services adapted at pace to respond to the needs of our citizens, in particular those experiencing the greatest levels of poverty and inequality. This has resulted in a complete transformation of how the Council works. Our services are continuing to build on this learning moving forward, harnessing the energy, flexibility and creativity demonstrated by our workforce, to embed a culture of continuous improvement and innovation

Hub and Spoke, one of Midlothian's key drivers for change, will see a Locality approach to service delivery adopted, developed in conjunction with community planning partners. The opportunity to review and redesign services that the pandemic has provided will result in a more efficient and effective operation of sites within local communities. This will improve service delivery, and ensure better outcomes for local communities. The continued rollout of enhanced ICT capabilities will strengthen cross service working, produce resource efficiencies and support the localisation of services.

Environmental: Midlothian Council was one of the first local authorities to sign Scotland's Climate Change Declaration, publicly acknowledging the challenges and opportunities that climate change brings with a commitment to make the Council's activities net zero carbon by 2030. Work continues to implement the Council's Climate Change

Strategy and focus continues to achieve future emissions targets. The ambitious strategy sets out how we will reduce our greenhouse gas emissions, encourage and work with others in our community to mitigate and adapt to changing climate. The strategy incorporates an action plan with a number of initiatives and ongoing programmes which together are helping to reduce our emissions and carbon footprint.

Economic and Regeneration: Midlothian Council's Economic Renewal Strategy sets out our ambitious approach to managing the transition from lockdown and planning for the longer term challenges the local economy will face, the strategy aims to mitigate the adverse economic impact on the local economy from COVID-19. Key aims are to protect jobs and aid business recovery using a place based partnership approach that maximises the opportunities developing from the pandemic. Taking this partnership approach, the strategy will foster entrepreneurship, upskilling and training, addressing gaps in the market and changing the way business is done to better align this to customer behaviour. Alongside support for agriculture, tourism and the leisure and hospitality sectors, the council will also promote local jobs and self-employment opportunities, particularly for young people, to give them the necessary skills and support they need to benefit from economic recovery.

Procurement - Procurement allows the Council to repurpose its spending power to drive our key strategic priorities and to secure the best possible value and outcomes for Midlothian. Effective procurement can maximise the value of every pound spent in terms of jobs, skills and supply chain opportunities in the local community. We will aim to address economic, social and environmental considerations at all stages of the procurement cycle within the rules of open, fair and transparent competition.

Capital Strategy: As Scotland's fastest growing local authority area, it is critical to delivery that investment in community infrastructure, such as housing, the learning estate, economic investment and green infrastructure, is in the right place at the right time. This will help our communities to live well, live locally and prosper.

How we invest in community infrastructure must also respond to changes in our working and living patterns brought about by the COVID-19 pandemic. Communities need to be able to readily access the services they need. Capital investment is also an opportunity to support our local economy through job creation and skills enhancement, particularly in relation to supporting a transition to a green economy as we invest in sustainable, highly energy efficient buildings.

As a growing Council, we have the opportunity to transform parts of Midlothian in a way that reflects how we live now. We will invest in community infrastructure with a focus on place-making, reducing inequalities, improving economic opportunities and improving education and health and wellbeing outcomes.

The Capital Investment Strategy brings together many strands of the Council's activities to build upon our past successes and drive forward innovation in a co-ordinated and achievable manner for the benefit of Midlothian and its citizens.

The strategy sits centrally within the Council's future planning activities and in doing so has to reflect the demands of Council services to ensure positive outcomes are achieved in the right place, at the right time for the maximum benefit to Midlothian. The extensive capital programme, totalling £0.8bn, delivers new schools, a record investment in council housing, improved community infrastructure, investment in the local transport network and in innovative developments such as the new low carbon heat network in Shawfair.

Digital Strategy and Digital Learning Strategy: Supported by the appointment of SOCITIM Advisory (Society for innovation, technology and modernisation) as a strategic partner and led by the Digital First Board work progressed to deliver an ambitious new digital strategy, ***Digital Midlothian 2021-2023***, *"Empowering People, Enabling Growth"* aimed at improving the way services are delivered to Midlothian citizens the strategy sets out how local outcomes will be improved by delivering digital services to digitally connected communities.

While responding to the pandemic has also transformed the way the council works, and we are already using technology to allow our services to be more flexible and responsive it was recognised that the Council needs to do much more to harness the opportunities that a digital approach can bring. This includes supporting our communities and local businesses to thrive in a digital world and making sure that our children are prepared for the workplaces of the future.

Housing and homelessness: Midlothian Council's updated Rapid Rehousing Transition Plan (RRTP) was submitted to the Scottish Government at the end of June 2022 which sets out key actions for delivery in 22/23 and addresses the next phase in transforming the services provided to meet housing need. These activities are crucial to reduce the time spent in temporary accommodation, improving the quality of temporary accommodation provided, continue to deliver Housing First and improve the health and wellbeing of those most vulnerable households. The plan also explains how Midlothian Council will address the next phase of its approach to transforming the services

4

provided to those in housing need by developing other initiatives during 2022/23 and into 2023/24, with an emphasis on the prevention of homelessness, tenancy sustainability and early intervention.

Challenges and Risks

The Financial Sustainability challenges for Midlothian continue with our recovery out of the pandemic, the cost of living crisis, the growing and ageing population and the increasing demand for services that this brings. Midlothian is projected to have the highest percentage change in population size of all council areas in Scotland. From 2018 to 2028, the population of Midlothian is projected to increase from 91,340 to 103,945. This is an increase of 13.8%, which is in contrast to a projected increase of 1.8% for Scotland as a whole with a 40.9% increase in older people over 75. In addition, Midlothian has 10 zones which falls into the most deprived areas giving a local share of 8.7% living in the most deprived areas in Scotland.

Financial sustainability has continued to dominate the agenda. In respect of inflation as well as rising energy costs and the real prospect of unfunded pay awards the quarter 1 financial reports to Council on 23 August 2022 highlight that the construction industry in Scotland and the UK is currently experiencing unprecedented adverse market conditions, which is leading to significant rises in tender prices for a wide range of materials. There is evidence that inflation of between 10% and 15% beyond BCIS predictions is affecting projects and whilst measures such as value engineering are partially mitigating cost increase there is a risk that the capital budgets will need to be increased with a resultant impact on the funding strategy. The situation continues to be monitored and as a consequence it may be necessary to both revisit existing capital plans and also review the 2022/23 service budgets and implement savings measures in the year.

The Scottish Government's Resource Spending review published on 31 May 2022 presented very challenging financial planning parameters for Local Government. It indicated cash flat grant settlements through to 2025/26 with a £100m increase for 2026/27. Commentators on the RSR have recognised the impact on Local Government, with both the Scottish Parliament Information Centre (SPICe) and Fraser of Allander institute stating that the proposals essentially represent a 7% real terms decrease in funding between 22/23 and 26/27. This is in contrast to the 4.7% real terms increase that the Scottish Government will see overall (2% if social security transfers are excluded), and the real terms increases that Health, Social Justice and Housing will see. The real term decrease planned for Local Government comes on top of significant real term reductions since 2013/14, which has driven ongoing reform, rationalisation, innovation and transformation work across Local Government.

On 20 June 2022 the Scottish Parliament published the **National Care Service (NCS) Bill** which will provide the foundation for the NCS. Alongside the Bill, explanatory notes, a policy memorandum, a financial memorandum and a delegated powers memorandum were also published. There are four key Parts of the Bill: part 1 establishes the National Care Service and care boards. It gives Scottish Ministers the power to transfer health and social care functions to the boards; part 2 gives Scottish Minister's powers over health and social care records; part 3 modifies existing laws relating to the provision and regulation of care; and part 4 allows further legislation and regulations to be made.

By far, the most significant part of the legislation is the intention to transfer social care responsibility from local authorities to a new, national service. However, the Bill does not provide any detail as to the logistics of this transfer. It is not clear at this stage the extent to which powers will be removed from local authorities or to what extent local authorities will continue to have involvement in the provision or delivery of services. It is however clear that the Bill anticipates the possibility of a wholesale transfer of powers and duties to NCS. There is also the power for Scottish Ministers to transfer healthcare functions from the NHS to the National Care Service.

The Health and Social Care Partnership, its partners and the communities it serves continued to be impacted by the COVID 19 pandemic. A recent spike in infections has caused continued significant pressure on our workforce due to absences. The Health and Social Care Partnership has maintained delivery of services and continues to work with its partners to ensure resources are being managed and deployed to cover staff absences where needed and continue to develop our remobilisation plans

A growing and ageing population: Midlothian is the second smallest Local Authority in mainland Scotland but the fastest growing. This will continue to pose challenges for health and social care services whilst also changing some local communities. As people live for longer many more people will be living at home with frailty and/or dementia and/or multiple health conditions. An increasing number of people live on their own, and for some this will bring a risk of isolation.

Midlothian Council - How we are Performing

Midlothian

Successes and Challenges

Corporate Performance Indicators (latest)
PIs ● 6 ● 4 ? 0 ◩ 9