

Notice of meeting and agenda

Corporate Policy and Strategy Committee

10.00am, Tuesday, 11 June 2013

Dean of Guild Court Room, City Chambers, High Street, Edinburgh

This is a public meeting and members of the public are welcome to attend

Contact

E-mail: louise.p.williamson@edinburgh.gov.uk

Tel: 0131 529 4264

1. Order of business

- 1.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

2. Declaration of interests

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

3. Deputations

- 3.1 Lothian Council for Inclusive Living

4. Minutes

- 4.1 Minute of the Corporate Policy and Strategy Committee of 14 May 2013 (circulated) – submitted for approval as a correct record.

5. Key Decisions forward plan

- 5.1 Corporate Policy and Strategy Committee Key Decisions Forward Plan June to August 2013 (circulated)

6. Business Bulletin

- 6.1 Corporate Policy and Strategy Committee Business Bulletin 11 June 2013 (circulated)

7. Executive decisions

- 7.1 Welfare Reform – Further Update - report by the Director of Corporate Governance (circulated)
- 7.2 Revised Whistleblowing Policy – report by the Director of Corporate Governance (circulated)
- 7.3 The Future Management and Ownership of Easter Craiglockhart Hill Local Nature Reserve (LNR) and Adjacent Green Spaces – report by the Director of Services for Communities (circulated)

Note: Councillors Corbett, Howat, Key, Main and McInnes called for local Ward interest.

- 7.4 McCrae's Battalion Trust Commemorative Service at Contalmaison Cairn – 1 July 2013 – report by the Director of Corporate Governance (circulated)

7.5 Crackdown on Legal Loan Sharks:

- (a) Referral from the Petitions Committee - report by the Head of Legal, Risk and Compliance (circulated)
- (b) Feasibility Study - report by the Director of Services for Communities (circulated)

8. Routine decisions

If any

9. Motions

9.1 By Councillor Aitken – Lothian Council for Inclusive Living “Your Call” Service

“Committee notes:

Your Call is one of the services provided by the Lothian Centre for Inclusive Living. Your call is a national counselling service which has been operating since 2008. Counsellors work as volunteers and they are all disabled people themselves and are professionally trained. The service was the first national telephone counselling service for disabled people in Scotland. The Council has never funded this service but recognises its importance and excellent service and is disappointed that it might disappear next month due to lack of funding.

The Committee instructs:

1. The Convener of Health Wellbeing and Housing to write to the Scottish Government supporting Section 16b Grant Application for 1 year funding.
2. Council Officers to meet with LCiL to discuss what short term help can given to keep this service going until the Grant Application has been decided.”

Note: Councillor Aitken called for this item

Carol Campbell

Head of Legal, Risk and Compliance

Committee Members

Councillors Burns (Convener), Cardownie (Vice-Convener), Burgess, Chapman, Child, Nick Cook, Edie, Godzik, Ricky Henderson, Hinds, Lewis, Mowat, Rankin, Rose and Ross.

Information about the Corporate Policy and Strategy Committee

The Corporate Policy and Strategy Committee consists of 15 Councillors and is appointed by the City of Edinburgh Council. The Corporate Policy and Strategy Committee usually meets every four weeks.

The Corporate Policy and Strategy Committee usually meets in the Dean of Guild Court Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Louise Williamson, Committee Services, City of Edinburgh Council, City Chambers, High Street, Edinburgh EH1 1YJ, Tel 0131 529 4830, e-mail louise.p.williamson@edinburgh.gov.uk .

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to www.edinburgh.gov.uk/cpol.

Corporate Policy and Strategy Committee

10.00 am, Tuesday, 14 May 2013

Present

Councillors Burns (Convener), Cardownie (Vice-Convener), Booth (substituting for Councillor Chapman), Burgess, Child, Nick Cook, Day (substituting for Councillor Ricky Henderson), Edie, Godzik, Hinds, Lewis, Rose, Ross and Whyte (substituting for Councillor Mowat).

1. Minute

Decision

To approve the minute of the Corporate Policy and Strategy Committee of 16 April 2013 as a correct record.

2. Corporate Policy and Strategy Committee Key Decisions Forward Plan May to July 2013

The Corporate Policy and Strategy Committee Key Decisions Forward Plan for May to July 2013 was presented.

Decision

To note the Key Decisions Forward Plan for May to July 2013.

(Reference – report by the Director of Corporate Governance, submitted)

3. Corporate Policy and Strategy Committee Business Bulletin 14 May 2013

The Corporate Policy and Strategy Business Bulletin for 14 May 2013 was presented.

Decision

To note the Business Bulletin.

(Reference – report by the Director of Corporate Governance, submitted.)

4. 2012 Employee Survey Update

The Committee had agreed an update on the analysis and actions undertaken since October 2012 to address the development areas identified through the Employee Survey findings.

Details were provided on a number of related actions which included the development of a new Organisational Development strategy and the delivery of Council wide manager engagement events.

Decision

- 1) To note the actions taken to date in responding to the findings of the 2012 Employee Survey.
- 2) To agree to receive a further update on progress in September 2013, to include an update on the outcome of the Investors in People and Healthy Working Lives assessments currently taking place.

(References – Corporate Policy and Strategy Committee 26 February 2013 (item7); report by the Director of Corporate Governance, submitted.)

5. Discretionary Housing Payments (DHP) Policy

Details were provided on a Discretionary Housing Payments (DHP) Policy which had been drafted in response to the Welfare Reform Act 2012. The policy incorporated the Department for Work and Pensions DHP good practice guidance and its key aims were to prevent hardship and to protect families and vulnerable people by sustaining tenancies and prevent homelessness.

Motion

To approve the Discretionary Housing Payments Policy as detailed in Appendix 1 to the report by the Director of Corporate Governance with the amendment that bullet point 6 of Paragraph 4 – “When DHP will be Paid”, (Where a household is affected by the benefits cap and in mainstream accommodation) be relocated to Paragraph 5 – “When DHP may be Paid”

- moved by Councillor Burns, seconded by Councillor Day

Amendment

- 1) To approve the Discretionary Housing Payments Policy as detailed in Appendix 1 to the report by the Director of Corporate Governance.
- 2) To note that Discretionary Housing Payments (DHP) provided short term emergency funding to tenants receiving Housing Benefit and/or Council Tax Benefit.

3) To note that as reported on 4 December 2012, Councils may choose to match funding allocated by the Department for Work and Pensions (DWP) by a factor of up to 1.5 times.

4) To note that the report 7.4 to this committee on 22 January 2013 on Welfare Reform stated at 2.17;

“Work is underway to identify matched funding of an estimated £2,020,948 for 2013-14 from existing budgets. The resulting DHP fund of £3.368m would provide significant support to the most vulnerable tenants, including those who will be affected from 1 April 2013 by the new under-occupancy rules for social sector tenants and the benefits cap.”

5) To recognise that the Coalition budget set in February 2013 did not include any matched funding for DHP whereas the Green Group budget included £1m for DHP matched funding.

6) To note that the current report therefore stated at para 2.2;

“it has not been possible to provide “matched funding” in the Council’s 2013/14 budget and therefore the Council will operate within the DWP allocation stated above increase.”

7) To call for funding to be found to top up the DHP Fund in order to increase the likelihood of being able to provide significant support to the most vulnerable tenants.

- moved by Councillor Burgess, seconded by Councillor Booth

Voting

The voting was as follows;

For the motion	-	12 votes
For the amendment	-	2 votes

Decision

To approve the motion by Councillor Burns.

(Reference – report by the Director of Corporate Governance, submitted.)

Corporate Policy and Strategy Committee

June 2013 to August 2013



Item	Key decisions	Expected date of decision	Wards affected	Director and lead officer	Coalition pledges and Council outcomes
1.	Welfare Reform – Update	6 August 2013	All	Director: Alastair Maclean Lead officer: Danny Gallacher, Head of Corporate and Transactional Services Danny.gallacher@edinburgh.gov.uk	CO24-26
2.	Information Compliance	6 August 2013	All	Director: Alastair Maclean Lead officer: Kirsty-Louise Campbell, Governance Manager kirstylouise.campbell@edinburgh.gov.uk	CO24-25
3.	Health and Social Care Integration: Partnership Agreement	6 August 2013	All	Director: Peter Gabbitas Lead officer: Susanne Harrison Programme Manager susanne.harrison@edinburgh.gov.uk	

Corporate Policy and Strategy Committee

10am, Tuesday, 11 June 2013

Dean of Guild Courtroom, City Chambers, High Street, Edinburgh

Corporate Policy and Strategy Committee

Convener:	Members:	Contact:
<p>Councillor Andrew Burns</p>  <p>Vice Convener:</p> <p>Councillor Steve Cardownie</p> 	<p>Councillors: Burns (Convener), Cardownie (Deputy Convener), Burgess, Chapman, Child, Nick Cook, Edie, Godzik, Ricky Henderson, Hinds, Lewis, Mowat, Rankin, Rose, Ross</p>	<p>Kirsty-Louise Campbell Governance Manager Tel: 0131 529 3654</p>

Recent news	Background
<p>Pension auto-enrolment</p> <p>Pension auto-enrolment (advertised on TV as Workplace Pensions) was successfully implemented from 1 April 2013. A requirement of the legislation is that the employer writes out to all staff. Over 21,000 letters were posted to employees' home addresses informing them of how the changes affected them. This included how to join a pension scheme for non-members.</p> <p>In preparation for this change, service representatives were identified and acted as a point of contact for staff. Manager and employee briefings were also issued. No</p>	<p>Fraser Rowson, Finance Manager</p>

increase in phone calls was experienced by the HR and Payroll Service Centre during this period, recognising the preparation and support work that was put in place, including information placed on the Orb and a handout prepared for staff, and the earlier decision of the Council to adopt the transitional period.

The use of the transitional period delays auto-enrolling for staff that had previously opted out of the pension scheme. This delay lasts until 30 September 2017. This avoided the upheaval of some staff being put into a pension scheme only to have to opt straight back out again. This does not, however, stop an employee from joining a pension scheme at any time.

At the go-live date no staff were auto-enrolled and after the April pay run only ten employees were newly enrolled into a pension scheme. The ten employees have been written to advising them of this change.

Going forward all non-pension scheme members are to be monitored for eligibility and this work is now being undertaken by the payroll team.

Business Continuity Compliance

The Corporate Resilience Unit prepares for and responds to a range of incidents to ensure we have a safe and secure city. This includes complying with best practice through corporate registration to the British Standard for Business Continuity (BS25999).

The Council was awarded registration of the Standard in May 2011 and retention is dependent on successful continuing assessment visits from the British Standards Institute (BSI) every six months.

The most recent visit took place at the end of April and included a top management interview with Sue Bruce, Chief Executive, Alastair Maclean, Director of Corporate Governance, Kirsty-Louise Campbell, Governance Manager and Mary-Ellen Lang, Resilience Manager, to demonstrate high-level commitment and knowledge of resilience.

To demonstrate that business continuity practices are embedded at all levels of the organisation, the auditor also

[Mary-Ellen Lang,](#)
[Resilience Manager](#)

visited a primary school and a neighbourhood office. This was to check that staff understand the importance of business continuity and have plans in place or are developing them. The auditor commended the enthusiasm, productivity and high-level buy-in he witnessed during his visit.

To support work on resilience the Unit oversees a wide, active network of over 100 resilience co-ordinators, deputies and specialists in business critical areas who identify risks, develop plans and ensure we comply with the Standard.

The Council is due to transition from the British Standard to the International Standard (ISO22301) this autumn.

Liberton/Gilmerton By-election

Several members of the Governance Team are currently focussed on preparations for the forth-coming Liberton/Gilmerton by-election on 20 June. When nominations closed on 17 May 8 candidates were validly nominated and a number of different workstreams are now being taken forward. Poll cards will be posted to the 25,000 electors early next week. Ballot Papers are being prepared by the printers and will be checked and double checked to make sure that the information on them is correct. The 8 polling places are being made ready with staff allocated to each. All polling staff will be trained so that they clearly understand their duties and how they can best help the voters.

Dealing with the 5000 postal votes is a project in its own right, each one being checked electronically to ensure that the voter's identity is genuine. On the day following the poll the votes will be counted in the Council Chamber, by a team of specially trained staff, in a process that is made more complex by the STV voting system. Every electoral event is a demanding project with a number of different layers of work and a by-election is no different. While bringing additional work, with the usual pressured deadlines, the by-election is a valuable opportunity to test new systems, trial new ways of working and keep the team

Chris Highcock, Depute Returning Officer/Corporate Projects Manager – Democratic Projects

up to date and well practised in the specific skills of delivering electoral events.

Elections business process re-engineering

In parallel with preparations for the by-election the Election Team is working with the Corporate Programmes Office on a piece of work to examine all of the varied processes involved in delivering an electoral event for the City of Edinburgh. Each process is being mapped and, where necessary, redesigned to ensure that the different tasks are carried out efficiently. Through a series of workshops and focussed meetings the entire programme of work associated with elections is being rebuilt to offer a more robust, efficient and documented framework, setting the elements in place ready for the coming year which, with European Elections, the Independence Referendum and then a UK Parliamentary General election will be one of the busiest and most challenging group of electoral events that the Council has had to deliver.

Forthcoming activities:

Corporate Policy and Strategy Committee

10am, Tuesday 11 June 2013

Welfare Reform – further update

Item number	7.1
Report number	
Wards	All

Links

Coalition pledges

Council outcomes

Single Outcome Agreement [SO2](#)

Alastair D Maclean

Director of Corporate Governance

Contact:

Danny Gallacher – Head of Corporate and Transactional Services

E-mail: danny.gallacher@edinburgh.gov.uk | Tel: 0131-469-5016

Alan Sinclair, Welfare Reform Manager

E-mail: alan.sinclair@edinburgh.gov.uk | Tel: 0131-469-5486

Executive summary

Welfare Reform – further update

Summary

This report continues the series of bi-monthly updates on Welfare Reform and on the progress being made by the Council and partners to develop arrangements to mitigate, where possible, the negative impact of the UK Government's welfare reforms on people in low income jobs and out of work.

In April, the Scottish Parliament Welfare Reform Committee published an analysis of welfare reform impacts on working age benefit and tax credit income in Scotland and its 32 local authorities. According to these estimates, claimants in Edinburgh (in work, out of work, and unable to work) will receive nearly £135million a year less by 2017/18 as a result of the welfare reforms.

Expenditure reduction on this scale is likely to have serious multiplier effects on the City Region's economy, reducing consumption of goods and services, and reducing employment.

As previously stated in the report to Corporate Policy and Strategy Committee on 16 April 2013, the implications of the reduction in welfare benefits will be the risk of increased poverty and hardship; increased need for benefits advice and advocacy services, money management and debt advice, access to credit, food banks, furniture initiatives; and increased demand on health, social work, housing and homelessness services. There is also the risk of reductions in council income mainly from increased rent arrears and loss of DWP administration subsidy.

The new regulations for people receiving Housing Support who are considered to be "under-occupying" their home were applied from 1 April 2013. The Council has taken various steps to advise people affected by these changes. Discretionary Housing Payments (DHP) provide short term emergency funding to tenants receiving Housing Benefit and this fund is being used to support the most vulnerable citizens.

The DHP policy document was approved at the Corporate Policy and Strategy Committee on 14 May 2013.

Preparations are underway to set up a joint working group to monitor the implementation and impact of various changes and to contribute to consideration of further measures to support tenants.

Initial discussions with Registered Social Landlords indicate that they are unlikely to follow the Council's initiative on not evicting tenants for non-payment of rent due to the under-occupancy regulations.

This will be explored further within the joint working group.

The Welfare Reform Strategic Planning Group continues to meet monthly, bringing together Council and stakeholders from advice services and third sector to provide a co-ordinated response to manage and mitigate the negative effects of Welfare Reform.

Recommendations

It is recommended that the Corporate Policy and Strategy Committee:

1. notes continuing progress on the assessment of Welfare Reform and actions to develop partial mitigation strategies;
2. agrees to refer reports on continuing financial pressures and associated risks arising out of implementation of Welfare Reform to the Finance and Budget committee;
3. notes that the Director of Services for Communities will report to the Health, Housing and Social Care Committee in June 2013 on the Advice Services review; and
4. notes the next progress update report will be 6 August 2013 (with a separate briefing to committee members in early July).

Measures of success

The success of the programme to mitigate the effects of Welfare Reform will be measured through:

- reductions in forecast loss of income; and
- customer satisfaction with advice and advocacy services provided relating to benefit changes, including increased benefit take up and minimised losses by ensuring people get their full entitlement under the new arrangements.

Financial impact

As reported on 16 April 2013, the increasing numbers of people experiencing hardship is expected to lead to increased demand for services in many areas of the Council and partner and advice agencies. There is also a risk to Council income, particularly from rents arrears, changes to subsidy levels for temporary accommodation and service charges. Further work is being undertaken to quantify likely financial impacts and to identify funding sources or budgetary options for the investment required in mitigation measures.

Known risks include:

- Risk of loss of rental income to Housing Revenue Account (HRA) arising from Housing Benefit under-occupation reforms.
- Risk that Scottish Welfare Funds will be insufficient to meet demands from customers.
- Risk that DHP budget is insufficient to meet demands due to changes in welfare reform.

- Risk that the spend on Council Tax Reduction Scheme exceeds the available funding.
- Reduced DWP Administration Subsidy due to the abolition of Council Tax Benefit.
- Reduced DWP Administration Subsidy due to the phasing out of Housing Benefit.

Equalities impact

The UK Government has prepared Equalities and Human Rights assessments for the welfare reform proposals. The Council will undertake an EHIRA when necessary for any of its proposals.

Sustainability impact

Welfare Reform is expected to have general implications for environmental and sustainability outcomes, for example in relation to fuel poverty.

Consultation and engagement

Ongoing involvement of Council officials continues to take place with the UK and Scottish Governments, directly and through COSLA, with the DWP, and with the Third Sector, the NHS and other partners, to prepare for welfare reform changes.

Emphasis is now on engagement with citizens, both in and out of work, who rely on benefit income and tax credits. The priority is to provide information, advice and support, directly by the Council and in conjunction with independent advice agencies and major partners.

The Council continues to participate in a number of groups with the DWP looking at the impacts of Welfare reform, namely Local Authority Transition Working Group (LATWG), Practitioners Operational Group (POG), as well as COSLA's Welfare Reform Local Authority Representatives Group.

Background reading / external references

Recent reports to committee:

[Welfare Reform – further update](#) - Corporate Policy and Strategy Committee, 16 April 2013

[Welfare Reform - Scottish Welfare Fund arrangements](#) – Finance and Budget Committee, 21 March 2013

[Welfare Reform – further update](#) – Corporate Policy and Strategy Committee, 22 January 2013

[Welfare Reform - update](#) – Corporate Policy and Strategy Committee, 4 December 2012

Estimates on the impact of Welfare Reform on claimants in Scotland, Edinburgh and other local authorities:

Scottish Government: *UK Government cuts to welfare expenditure in Scotland*, March 2013; available at: <http://www.scotland.gov.uk/Resource/0041/00417011.pdf>

Scottish Local Government Forum Against Poverty/Rights Advice Scotland: *People, Councils and the Economy 2nd Edition: An assessment of the impact of proposed changes to the UK Benefits System on people, councils and the economy in Scotland*, March 2013; available at: <http://www.scottishpovertyforum.org.uk/PCE2%20March%202013v2.pdf>.

Sheffield Hallam University: *The Impact of Welfare Reform on Scotland*, by Christina Beatty and Steve Fothergill, Centre for Regional Economic and Social Research, April 2013. Report commissioned by the Scottish Parliament Welfare Reform Committee; available at: http://www.scottish.parliament.uk/S4_Welfare_Reform_Committee/Reports/wrR-13-02w.pdf

Welfare reform – update

1. Background

- 1.1 The Corporate Policy and Strategy Committee agreed on 22 January 2013 to continue monitoring the Council's actions to mitigate the impact of Welfare Reform and requested further update reports every two months, the last report being considered on 16 April 2013.

2. Main report

- 2.1 The latest DWP figures show that there were 123,000 people receiving welfare benefits in Edinburgh in February 2012.
- 2.2 The last update report included Scottish Government estimates of the impact of Welfare Reform on Scotland as a whole, and impacts on benefit and tax credit recipients in Edinburgh, published for each of the 32 local authorities by the Scottish Local Government Forum Against Poverty and Rights Advice Scotland. Web-links to these publications are listed in the background reading section. In April, a second set of estimates for Scottish councils was published by Professors Beatty and Fothergill of Sheffield Hallam University who were commissioned by the Scottish Parliament Welfare Reform Committee to research welfare reform impacts on Scotland as part of their wider UK research. Results for Edinburgh are shown below:

Annual Impact of Welfare Reforms in Edinburgh: Sheffield Hallam University estimates

	Year full effect expected	House holds affected	Estimated loss per year	Loss as % of Scotland
		No.	£m	%
Incapacity benefits	2015-16	10,200	35.784	7.2%
1 per cent uprating	2015-16		22.999	7.9%
Tax Credits	2014-15	26,600	21.600	7.1%
Child Benefit	2014-15	48,000	18.949	8.4%
Housing Benefit: Local Housing Allowance	2014-15	9,500	14.895	18.4%
Disability Living Allowance	2017-18	3,900	11.694	7.1%
Housing Benefit: Under-occupation ('bedroom tax')	2014-15	5,900	3.678	7.4%
Household benefit cap	2014-15	530	2.567	20.4%
Non-dependant deductions	2014-15	2,200	2.542	7.9%
Total Impact			134.707	8.1%
<i>Of which: Housing Benefit</i>		10,200	58.782	7.4%
<i>Incapacity Benefit + DLA</i>		13,400	26.589	10.8%

Note: Excludes the following reductions: (1) RPI to CPI benefits uprating; (2) Council Tax Benefit reductions (3) Income Support for lone parents, change in child qualifying age.

- 2.3 According to these estimates, working age benefit claimants in Edinburgh (in work, out of work, and unable to work) will receive nearly £135million a year less by 2017/18 as a result of the welfare reforms. These sums exclude some of the benefit changes, as noted in the table footnotes, yet appear to be higher than those previously estimated by Scottish Local Government Forum Against Poverty/Rights Advice Scotland. Whatever the precise figures, income reductions of this order of magnitude could have very serious impacts on the living standards of many citizens and families in Edinburgh, on levels of poverty and on the city's economy.
- 2.4 At Scotland level, Sheffield Hallam University found that "the biggest financial impact comes from the reform of incapacity benefits"; however, in Edinburgh the housing benefit changes (£59m loss) are larger than those for disability benefits (£27million loss).
- 2.5 The Council continues to actively engage with the Scottish Government and other national and local organisations to develop an effective co-ordinated approach to mitigate the negative impacts of welfare reform. Progress on issues is reviewed below.
- 2.6 **Advice Services in Edinburgh** – Information on Advice Services was provided to Committee in the previous report on 16 April 2013. Further work is being undertaken to consolidate a partnership approach to welfare benefits advice and advocacy services across the City and this will be reported to the Health, Housing and Social Care Committee in June.
- 2.7 **Benefits cap** – Information on the Benefit Cap was provided in the previous report to committee on 16 April 2013. The UK Government introduced the cap on a pilot basis in four London Boroughs from 15 April 2013. The nationwide implementation is still planned to start in July 2013 and be completed by September 2013. The implementation date for Edinburgh has still to be announced.
- 2.8 DWP have advised that it is still the position that they will decide by the end of May 2013 if the roll out of the Benefits Cap will be by Local Authority area, where all cases affected will be implemented on the same day, or if it will be rolled out by claimant type, which would mean that tenants in Edinburgh could be affected by the Benefits Cap on different dates.
- 2.9 **Scottish Welfare Fund (SWF)** – Information on the Scottish Welfare Fund was provided in the previous report to Committee on 16 April 2013. At the end of April 2013, £66,405 has been incurred for Community Care Grants against an estimated monthly budget of £119,088. Expenditure on Crisis Grants was £14,182 against an estimated monthly budget of £63,157. These figures are well within the budgeted spend for a full month. From 1 April 2013 only claimants who fell within the highest level of priority were being awarded grants, in line with the guidance from the Scottish Government, until levels of demand could be established. However, from 15 May 2013 we are now awarding grants for those claimants who fall within the medium level of priority. From Monday 3 June, we

- will be able to award grants to claimants who fall within the lowest level of priority.
- 2.10 The target for assessing applications for Community Care Grants is 15 working days. This is currently being achieved within 5 working days.
 - 2.11 The target for assessing applications for Crisis Grants is 2 working days, c. 90% are being assessed on the day the customer telephones to make their claim, with the remainder being dealt with within 2 working days.
 - 2.12 There are now 30 volunteers from various departments within the Council, the third sector and NHS Lothian, to hear 2nd stage appeals. Training was provided to these volunteers on 8 and 9 May, with the first hearing held later in the month.
 - 2.13 The current arrangement with Bethany Christian Trust for the supply of furniture and white goods is working very well. Bethany is contacting customers within 2 days of receiving confirmation from the Scottish Welfare Fund Team regarding the goods for which the customer qualifies. Feedback from customers is positive.
 - 2.14 A meeting is being arranged with Scotland Excel and the Council's Commercial and Procurement team to discuss the recent awarding of a national supplier for furniture and white goods. This will be covered in the next update to Committee.
 - 2.15 **Discretionary Housing Payments (DHP)** - Information on DHP was provided in the previous report to Committee on 16 April 2013. A total of 450 cases have been awarded DHP. This includes 222 Council tenancies and 51 RSL tenancies where the property has had a disability adaptation. There are a further 37 adaptation requests outstanding as pending further supporting information.
 - 2.16 All cases where there is a significant age-change have been actioned.
 - 2.17 There are 895 cases outstanding as at 13 May 2013, with around 20-30 new requests being received a day.
 - 2.18 DHP expenditure in April was £45,659 against an estimated monthly budget of £112,275. However, it is likely that spend will be nearer the monthly allocated budget when work in progress is completed. The committed spend totals £224,308.36 for 2013/14 as at May 2013.
 - 2.19 **Council Tax Reduction Scheme (CTRS)** - Information on the Council Tax Reduction Scheme (CTRS) was provided in the previous report to Committee on 16 April 2013. The current system which mirrors the old Council Tax Benefit Scheme is in place for 2013/14. However, there will be further discussions as part of the Ministerial deliberation on the 2014/15 Local Government Settlement as a whole. The position should become clearer as these discussions conclude over the summer.
 - 2.20 COSLA has been analysing information on 2012/13 subsidy from Councils to verify DWP estimates, and will continue to work with Scottish Government and Councils to monitor the funding position during 2013/14.
 - 2.21 The Scottish Government has commissioned the former IRRV Scotland President, Jim McCafferty, to look at alternatives for an appeals mechanism. A

- potential preferred alternative is emerging which, working with tribunal service, would be established on a national basis and ensure that legally qualified decision makers are hearing appeals. Issues which need further consideration include clerking for tribunal meetings, locations for the appeals, and availability of tribunal judges. Ministers will be asked to make a decision on the preferred options in the next quarter and the Scottish Government hope to introduce provisions in early summer with an October implementation.
- 2.22 Work is continuing through the DWP/LA Finance & Commercial Group to refresh the cost base model for Housing Benefit (HB) migration to Universal Credit (UC). This will inform the funding to be provided for disaggregation of continuing HB and CTR administration, as well as certain new burdens emerging for UC rollout. A number of Scottish Councils have been invited to participate in the cost modelling with workshops due to commence. Shortly Directors of Finance representatives are providing input to this work and are in close contact with COSLA. Further information will be provided as this develops.
- 2.23 Armed Forces Independence Payments (AFIP) are a new UK Government benefit designed to support injured service personnel following reform of Disability Living Allowance (DLA) and the introduction of Personal Independence Payments (PIP). Local Government Practitioners have provided feedback to Scottish Government on the approach to dealing with AFIP within the CTR scheme. The Scottish Government is now in the process of finalising regulations to amend the CTR scheme for AFIP, and the intention is to lay these in the Scottish Parliament soon.
- 2.24 The policy intention is that AFIP, which affects a very small number of claimants, will be included alongside DLA and PIP at appropriate points in the scheme.
- 2.25 All Council Tax Benefit claims migrated to the new Council Tax Reduction Scheme on 1 April 2013. Expenditure monitoring will be based on the SHBE extract and co-ordinated with the Scottish Government and reports to the Corporate Policy and Strategy Committee will commence from July 2013.
- 2.26 **Council Tenants and Housing Services** – Around 20% of all Council tenants are affected by the Housing Benefit bedroom under-occupation reforms. Neighbourhood staff have made contact with nearly 3,500 affected Council tenants. There are some tenants who have not responded to contact attempts and in these cases several attempts have been made including telephone calls, letters and home visits. The focus of staff is now to assist those tenants who are having difficulty managing to pay their rent and to ensure they continue to receive advice and information to help them make an informed choice on what is the best option for their household. Following the first fortnightly rent charge after the reform was introduced, 69% of tenants affected by the under-occupation changes were in rent arrears.
- 2.27 At its meeting on 16 April, the Corporate Policy and Strategy Committee agreed that “where the Director of Services for Communities is satisfied that tenants who are subject to under-occupancy charge have done all they reasonably could to avoid falling into arrears, then all legitimate means to collect rent arrears

should be utilised except eviction.” Guidance has been produced for staff that will ensure there is enhanced early intervention and an improved person-centred approach to arrears management.

- 2.28 The Health, Wellbeing and Housing Policy Development and Review Subcommittee meeting of 23 April 2013 discussed options for reducing the impact of the reforms on tenants. Key stakeholders, including Edinburgh Affordable Housing Partnership, Edinburgh Tenants Federation and Shelter were in attendance and involved in these discussions.
- 2.29 The next step is to focus on preparing for the introduction of Universal Credit and the impact that direct payment of benefit will have for tenants and the Council. Planning for the implementation of Universal Credit will include changes to the rent services and operational systems to manage monthly direct payments that minimise the impact on income collection. Work will also look to achieve a shift in payment culture to move more tenants on to secure payment methods and work to ensure that tenants can access suitable financial products and services.
- 2.30 **Temporary and Supported Accommodation** – There has been no change to the position on the change to subsidy arrangements for temporary accommodation as reported to Committee on 16 April 2013.
- 2.31 **Welfare Reforms affecting Disabled People** – there have been two main reforms:
- the ongoing replacement of **Incapacity Benefit** and related benefits by **Employment and Support Allowance (ESA)**, with more stringent medical tests, greater conditionality and time-limiting of non-means tested entitlement for all but the most severely ill or disabled: the DWP intends to complete this process by 2014; and
 - the phased replacement of **Disability Living Allowance (DLA)** by **Personal Independence Payments (PIP)**, including more stringent and frequent medical tests, as the basis for financial support to help offset the additional costs faced by individuals with disabilities.
- 2.32 From 10 June 2013, DWP will no longer accept new claims for DLA from anyone aged 16-64, unless they are making a renewal claim from a fixed term DLA award which is due to expire before the end of February 2014. New claims will be for PIP. From 7 October 2013, existing recipients of DLA will begin to be transferred to PIP and from October 2015 all the remaining claimants in receipt of a DLA award will be invited to make a claim for PIP. DWP will randomly select those recipients of DLA in receipt of an indefinite award or a fixed term award, and notify them about what they need to do to claim PIP. They will invite claims as early as possible from recipients who have turned 65 after 8 April 2013, when PIP was first introduced. The intention is that this process will be completed by October 2017.
- 2.33 The new benefit has been designed to reduce expenditure by 20% as compared with existing levels. It is anticipated that 55% of current DLA recipients will

receive reduced benefit or will be refused PIP when the reassessment takes place. The new benefit has a three stage claim process and a two stage appeal process, compared with the current one stage for each. There will be no automatic reassessment for PIP – if people in receipt of DLA are invited to claim PIP and do not do so, their DLA award will be stopped, new claims will have to be lodged and most people will have to go through the new medical assessment before a decision is made.

2.34 Professors Beatty and Fothergill of Sheffield Hallam University state in their report for the Scottish Parliament Welfare Reform Committee:

2.34.1 Sickness and disability claimants can also expect to be hit hard. The individuals adversely affected by the incapacity benefit reforms can expect to lose an average of £3,500 a year, and those losing out as a result of the changeover from Disability Living Allowance to Personal Independence Payments by an average of £3,000 a year. Often these will be the same individuals: most DLA claimants of working age are out-of-work on incapacity benefits and in both cases the groups most exposed to benefit reductions are those with less severe disabilities or health problems. The same individuals may also find that they encounter reductions in Housing Benefit entitlement.

2.35 Using Government figures, the Council's Welfare Rights Service has estimated that by October 2015, it is likely that over 4,000 DLA recipients will have been reassessed. National DWP projections suggest that 27% will get a higher rate of benefit than before, 14% will see no change, and 59% will be awarded less benefit or will be refused benefit. By May 2018, the reduction in income for disabled people in Edinburgh is estimated at over £19 million per annum (based on current 2013-2014 benefit rates).

2.36 Since around two-thirds of the people who have been affected by the Housing Benefit under-occupancy rules ("Bedroom Tax") have a disability, their ability to meet the shortfall in the housing cost will be reduced.

2.37 The replacement of DLA by PIP will place significant additional demands on Advice Services for:

- assistance with the initial and subsequent claim processes;
- advice and support in attending medical assessments;
- assistance with the new mandatory reconsideration process;
- assistance with lodging appeals, representation at appeals, and appeals to the Upper Tribunal; and
- assistance with increasing levels of debt.

2.38 Social care and housing staff are also likely to face increased demand, and it is likely that General Practitioners and other Health Professionals will be asked for additional supporting evidence. With reduced incomes many people with disabilities will find it increasingly difficult to sustain themselves in the community and may present further demands on services.

- 2.39 **Universal Credit (UC)** - An update was given to committee on 16 April 2013. The pilot in the North West of England began on 15 April 2013 in one local authority. The other 3 local authorities will go live in July 2013. In the first week there were only about 25 cases processed for Universal Credit. The national roll-out is expected to start on 28 October 2013, but as previously stated, implementation will be strictly controlled and volumes are likely to be very small initially.
- 2.40 A detailed timetable is still awaited for the roll-out of Universal Credit and we do not yet know when claimants in Edinburgh will be affected; however significant numbers are unlikely to be affected until February/March 2014. A fuller report on Universal Credit will be provided when a timetable is received from the DWP.
- 2.41 Scottish councils have been willing to engage with DWP on how they can support people as UC is introduced. It is very clear that this requires a serious commitment by DWP in terms of the level of resources made available, the role councils along with their partners play and the extent to which this can fit with the Council's priorities in terms of how communities are supported. Work is ongoing with the Scottish Government, COSLA, and other partners.
- 2.42 **Pension Credit** – There is no update from the Pensions Service about the roll-out of Pension Credit. However, it is likely to start in October 2015.
- 2.43 **Direct Payment Demonstration Project (DPDP)** - There is still no decision from DWP about extending the DPDP beyond June 2013. Confirmation from the DWP is expected in the next few weeks.
- 2.44 Monthly meetings are held with Dunedin Canmore and the DWP to discuss the progress of the project. At the end of April there are 246 tenants receiving partial benefit direct payments and 489 receiving full with no new tenants to the project since the end of January.
- 2.45 It has been agreed that quarterly reports will be sent to all Registered Social Landlords to confirm tenants who are currently under occupying.
- 2.46 The Welfare Reform Manager continues to attend DWP Working Groups on Welfare Reform in general and Universal Credit in particular. He also attends meetings with COSLA and Scottish Government on Welfare Reform issues. The Welfare Reform Manager met with the Edinburgh Parliamentarians on Welfare Reform on 29 April 2013 and has met with the political groups within the Council to give an update on the Scottish Welfare Fund:
- Green Group – 25 March 2013
 - Conservative Group – 25 March 2013
 - Labour Group – 29 April
 - Lib Dem Group – 2 May
 - SNP Group – 20 May

3. Recommendations

3. It is recommended that the Corporate Policy and Strategy Committee :

- 3.1.1 notes continuing progress on the assessment and impact of Welfare Reform and actions to develop partial mitigation strategies;
- 3.1.2 agrees to refer reports on continuing financial pressures and associated risks arising out of implementation of Welfare Reform to the Finance and Budget committee;
- 3.1.3 notes that the Director of Services for Communities will report to the Health, Housing and Social Care Committee in June 2013 on the Advice Services review; and
- 3.1.4 notes the next progress update report will be 6 August 2013 (with a separate briefing to committee members in early July).

Alastair D Maclean

Director of Corporate Governance

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

SO2 - Edinburgh's citizens experience improved health and wellbeing, with reduced inequalities in health

Corporate Policy and Strategy Committee

10.00am, Tuesday 11 June 2013

Revised Whistleblowing Policy

Item number	7.2
Report number	
Wards	All

Links

Coalition pledges	
Council outcomes	CO25, CO27
Single Outcome Agreement	

Alastair D Maclean

Director of Corporate Governance

Contact: Philip Barr, Head of Organisational Development

E-mail: Philip.Barr@edinburgh.gov.uk

Executive summary

Revised Whistleblowing Policy

Summary

This report sets out officer recommendations following a review of the “Public Interest Disclosure Policy” which was put in place in 2000 and seeks the approval of the Corporate Policy and Strategy Committee to replace this with the attached “Whistleblowing Policy.”

The Corporate Policy and Strategy Committee are asked to note that provisions in the current “Public Interest Disclosure Policy” are sound. The purpose behind replacement of the current arrangements is to build upon what presently exists with enhanced arrangements.

There is some disquiet at using the term “whistleblowing” because it may have negative connotations however we feel that this terminology is instantly recognisable given it is common parlance; does what it says on the tin; and also a survey of other local authorities confirms they too use this terminology.

Recommendations

The Corporate Policy and Strategy Committee is asked to:-

1. note the contents of this report including the Revised Whistleblowing Policy at Appendix 1 and the terms of the Petition at Appendix 2; and
2. approves the proposals for a Revised Whistleblowing Policy, and instruct the Director of Corporate Governance to implement its terms including:-
 - 2.1 a one year pilot “Helpline” at a cost of £5,130 per annum;
 - 2.2 to regularly provide a high level summary of the issues raised and the actions taken to the Corporate Policy and Strategy Committee; and
 - 2.3 the development of a joint implementation plan once approval is confirmed.

Measures of success

Employees report suspected wrongdoing as early as possible in the knowledge that (a) their concerns will be taken seriously and investigated appropriately, and (b) they will be protected from victimisation.

Financial impact

It is recommended that a pilot independent whistleblowing helpline is set up for one year at a cost of £5,130 per annum. The use and efficacy of this mechanism will be closely monitored during the first year and a report will be sent to the Corporate Management Team prior to the expiry of the pilot with proposed recommendations as to its continuance.

Equalities impact

There are no direct equalities implications arising from this report.

Sustainability impact

There are no sustainability implications arising from this report.

Consultation, engagement and implementation

The Whistleblowing Policy has been drafted by officers taking into account existing provisions for whistleblowing, the current legislative position, and with the intention of improving policy arrangements. An audit of other local authority policies has also taken place.

Following the Petitions Committee on 18 April 2013 the Director of Corporate Governance, in consultation with the Corporate Management Team, were asked to note the terms of the petition "A safer Mechanism for reporting Edinburgh Council Mismanagement" in final consideration of the draft policy on this subject. The terms of the petition can be found at Appendix 2 and its proposals are addressed further at paragraph 2.12 to 2.13 of the Report.

The CMT approved the draft policy on 1 May 2013.

Consultation with the Trade Unions has taken place to secure a local agreement.

A joint implementation plan will be developed which will include:

- Securing a helpline provider;
- Arrangements concerning Whistleblowing in induction programmes;
- An 'e-learning' package; and
- Communications planning for the launch and implementation of the policy and helpline.

Background reading / external references

There is no background reading or external references arising from this report.

Revised Whistleblowing Policy

1. Background

- 1.1 This report proposes the adoption of a Whistleblowing Policy which replaces the current Policy on Public Interest Disclosure in order to strengthen existing whistleblowing procedures and to meet the requirements of the Public Interest Disclosure Act 1998 (“the Act”).
- 1.2 The Corporate Policy and Strategy Committee are asked to note that provisions in the current “Public Interest Disclosure Policy” are sound. The purpose behind replacement of the current arrangements is to build upon what presently exists with enhanced arrangements.
- 1.3 Following recent high profile cases, officer and member initiatives and the petition for an independent whistleblowing hotline a number of changes are now proposed to the existing procedure to implement the revised Whistleblowing Policy.
- 1.4 The intention behind these revisions is to ensure the Council’s Whistleblowing Policy:-
 - 1.2.1 is more accessible for those employees who wish to make a qualifying disclosure;
 - 1.2.2 is aligned to those areas of malpractice that qualify for protection in terms of the Act;
 - 1.2.3 clarifies arrangements where employees also have a right of recourse to alternative Council policies and procedures;
 - 1.2.4 clearly delineates those with responsibilities under the policy, including the introduction of the role of the Whistleblowing Officer;
 - 1.2.5 provides clarification on the role of the Monitoring Officer and that of Employees to ensure that responsibilities are clearly explained;
 - 1.2.6 clarifies the timescales for action on the part of the Whistleblowing Officer;

- 1.2.7 simplifies the stages involved in dealing with a disclosure to ensure that those accountable for its operation know what is expected of them as matters progress; and
- 1.2.8 makes provision for a pilot external telephone support service known as a 'Whistleblowing Helpline'.

2. Main report

- 2.1 An initial risk assessment was undertaken by HR to determine the distinction between existing policies and procedures and the terms proposed in the draft Whistleblowing Policy.
- 2.2 This assessment has involved reviewing current policies and procedures, and assessing equivalent whistleblowing arrangements.
- 2.3 Of the 29 local authorities where equivalent whistleblowing policy arrangements are in place, only one has an arrangement for a confidential "helpline".
- 2.4 The Council already has in place a procedure to allow whistleblowing. It is recommended that the current policy on Public Interest Disclosure, drafted in 2000, is replaced by a new Whistleblowing Policy to ensure that the Council can continue to demonstrate compliance with the Act.
- 2.5 A draft Whistleblowing Policy is appended to this report at Appendix 1 to provide information and guidance on how the Council will prevent, recognise and deal with whistleblowing issues.
- 2.6 The Whistleblowing Policy confirms that overall corporate responsibility for ensuring compliance with the Act lies with the Council's Monitoring Officer.
- 2.7 The Whistleblowing Policy also introduces a confidential external helpline known as the "Whistleblowing Helpline" for employees to use when raising issues of malpractice.
- 2.8 It is intended to run a one year pilot of the "Whistleblowing Helpline" to determine if it increases the reporting frequency of protected disclosures and represents value for money. A report on the findings of the pilot will be reported to a future Council meeting and to the Policy and Strategy Committee after the pilot has concluded.
- 2.9 The cost of implementing a one year pilot of the "Whistleblowing Helpline" is £5,130 per annum and the intended provider of this service will be Public Concern at Work.
- 2.10 Public Concern at Work is a non-profit making charity and represents the best value for money from the providers contacted.

- 2.11 Public Concern at Work will, with the permission of the caller, pass on any information to a delegated Council officer. They will also actively encourage the caller to release this information to the Council.
- 2.12 The petition "A safer Mechanism for reporting Edinburgh Council Mismanagement" seeks "a hotline" to which only senior Councillors would be the recipient of information from the hotline provider. It is Officers' view that this would not be an appropriate mechanism as it is anticipated that reportable matters will be of an operational nature and the Scheme of Delegation makes it clear that corporate management and operational functions are delegated to the Chief Executive and Officers. Further the Scheme of Delegation requires that elected members are consulted with in respect of politically controversial matters and material decisions and Officers have a duty to keep elected members appropriately informed. Therefore Councillor notification and involvement is already adequately provided for by the Scheme of Delegation.
- 2.13 The setting up of the independent helpline does of course partially satisfy the terms of the petition and we are sure this will be welcomed by the petitioners.
- 2.14 The Whistleblowing Policy also seeks to promote a culture where employees can raise concerns without fear of victimisation or recrimination, but in the knowledge that complaints shown to be malicious or vexatious will lead to disciplinary action.
- 2.15 The Whistleblowing Policy also makes it clear that any attempt to thwart the Whistleblower by a fellow Employee will be treated as serious misconduct. This is particularly important for the Council as an employer can now be held vicariously liable for any acts of victimisation by an employee against the Whistleblower since April 2013.
- 2.16 The Act creates two levels of protection for whistleblowers. The dismissal of an employee will be automatically unfair if the reason, or principal reason, for their dismissal is that they have made a "protected disclosure".
- 2.17 The Act also protects workers from being subjected to any detriment on the ground that they have made a "protected disclosure".
- 2.18 Implementation of the Whistleblowing Policy will require considerable planning. As has been the case with previous policy or procedure implementation, it is recommended that a joint implementation plan is developed with the trade unions. Such a plan should include:
- Securing a helpline provider;
 - Arrangements concerning Whistleblowing in induction programmes;
 - An 'e-learning' package; and
 - Communications planning for the launch and implementation of the policy and helpline.

3. Recommendations

- 3.1 It is recommended that the Corporate Policy and Strategy Committee:-
- 3.1.1 notes the content of this report including the Revised Whistleblowing Policy at Appendix 1 and the terms of the Petition at Appendix 2; and
 - 3.1.2 approve the proposals for a Revised Whistleblowing Policy, and instruct the Director of Corporate Governance to implement its terms including:-
 - 3.1.2.1 a one year pilot “Helpline” at a cost of £5,130 per annum;
 - 3.1.2.2 to regularly provide a high level summary of the issues raised and the actions taken to the Corporate Policy and Strategy Committee; and
 - 3.1.2.3 the development of a joint implementation plan once approval is confirmed.

Alastair D Maclean

Director of Corporate Governance

Links

Coalition pledges

Council outcomes CO25 - The Council has efficient and effective services that deliver on objectives.
CO27 - The Council supports, invests in and develops our people.

Single Outcome Agreement

Appendices Appendix 1 Draft Revised Whistleblowing Policy
Appendix 2 Petition

WHISTLEBLOWING POLICY

(Covering all employees)

CONTENTS

Section

- | | |
|----|---|
| 1 | <u>INTRODUCTION</u> |
| 2 | <u>MALPRACTICE</u> |
| 3 | <u>RESPONSIBILITIES</u> |
| 4 | <u>PROTECTION AGAINST VICTIMISATION</u> |
| 5 | <u>ANONYMOUS DISCLOSURES</u> |
| 6 | <u>MAKING A DISCLOSURE</u> |
| 7 | <u>EXTERNAL DISCLOSURES</u> |
| 8 | <u>CONTACT WITH THE MEDIA</u> |
| 9 | <u>GENERAL</u> |
| 10 | <u>LOCAL AGREEMENT</u> |

WHISTLEBLOWING POLICY

(Covering all employees)

1. INTRODUCTION

- 1.1 The aims of this Policy are to uphold the highest standard of conduct and ethics in all areas of the Council's work. The purposes are as follows:-
- 1.1.1 if you have a concern, to report suspected wrongdoing as soon as possible, in the knowledge that your concerns will be taken seriously and investigated appropriately, and that your confidentiality will be respected;
 - 1.1.2 to provide you with guidance as to how to raise those concerns; and
 - 1.1.3 to reassure you that you will be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

[Return to Contents](#)

2. MALPRACTICE

- 2.1 The following list illustrates those matters regarded as malpractice in relation to the Council's work under this Policy:-
- 2.1.1 criminal activity;
 - 2.1.2 a failure to comply with any legal obligation;
 - 2.1.3 miscarriages of justice;
 - 2.1.4 damage to health and safety;
 - 2.1.5 damage to the environment; and
 - 2.1.6 deliberate concealment of any of the above matters.
- 2.2 There are a number of other issues that can be dealt with under the Complaints Procedure, the Care Service Feedback Procedures, the Policy on Fair Treatment at Work, the Procedure for Hearing Grievances and the Equality and Rights in Employment Policy. Further action may also be considered under the terms of the Employee Code of Conduct, the Disciplinary Procedure, the Anti-Fraud Policy, and the Anti-Bribery Policy. Such issues are noted below but are not exhaustive including:-
- 2.2.1 the unauthorised use of public funds;
 - 2.2.2 possible fraud or corruption or mismanagement;

- 2.2.3 sexual or physical abuse of (or by) service users;
- 2.2.4 discriminatory conduct towards (or by) colleagues or service users;
- 2.2.5 conduct that may be illegal, improper or unethical;
- 2.2.6 breach of our internal policies and procedures (including those relating to conduct);
- 2.2.7 conduct likely to damage our reputation;
- 2.2.8 unauthorised disclosure of confidential information; and
- 2.2.9 bribery.

The HR and Payroll Service Centre is the dedicated point of contact. For initial advice call 0131 469 5555.

[Return to Contents](#)

3. RESPONSIBILITIES

3.1 Those with responsibilities under this Policy are the Council's nominated Whistleblowing Officer, the Council's Monitoring Officer and the Employee seeking recourse.

3.2 Whistleblowing Officer

In any service area the recipient of the disclosure by an Employee shall be known as the Whistleblowing Officer.

The Whistleblowing Officer shall either be the immediate line manager of the Employee making the disclosure or should they be unavailable or inappropriate, the manager occupying the level above the immediate line manager or should they be unavailable or inappropriate the manager occupying the level above that immediate line manager.

Where, an Employee feels unable to raise the matter for attention in their own department, the disclosure can be made to the Monitoring Officer who may perform the role of nominated Whistleblowing Officer.

The responsibilities of the Whistleblowing Officer are outlined at 6.7 to 6.9 below.

3.3 Monitoring Officer

The Monitoring Officer is the Council's Director of Corporate Governance. The Monitoring Officer has overall responsibility for this Policy which means periodic reviews to reflect organisational changes, best practice, operational experience or legislative updates.

The Monitoring Officer will have discretion to decide if it is reasonable for the disclosure to be dealt with under this Policy, if it is reasonable for the disclosure to be dealt with in the department of the Employee, or whether any other course of action is appropriate.

In exceptional circumstances the Monitoring Officer will have responsibility for responding to a disclosure where an Employee feels unable to raise a matter for attention in their own department. In such cases, the Monitoring Officer may perform the role of nominated Whistleblowing Officer.

Exceptional circumstances shall mean that the Monitoring Officer has considered, and ruled out, all other individuals who may be able to perform the role of Whistleblowing Officer due to the nature of the disclosure.

3.4 Employee

The Employee has a responsibility under this Policy to report any concern where they have a reasonable belief that malpractice has occurred (as set out in Clause 2.1 above) or that an issue (as set out in clause 2.2 above) has arisen.

The Employee should not use this Policy for complaints relating to their personal circumstances. Such complaints should be lodged using the Council's Grievance or Fair Treatment at Work procedures.

The Employee is reminded of their responsibility to act professionally if they have a concern about the work of their colleagues, including an expectation that they will report malpractice.

In the unlikely event that a reported concern or issue is found to be deliberately vexatious or malicious this will be considered as a serious disciplinary offence.

[Return to Contents](#)

4. PROTECTION AGAINST VICTIMISATION

- 4.1 An Employee must be given support and protection if they are to feel confident in making a disclosure.
- 4.2 Where an Employee makes a disclosure of malpractice, the Council will take appropriate action to ensure that the Employee is protected from any form of victimisation, bullying or harassment.
- 4.3 Victimisation, bullying or harassment of anyone making a disclosure will be regarded as a serious disciplinary offence/gross misconduct. It will also be regarded as a serious disciplinary offence to deter someone from making a disclosure.

[Return to Contents](#)

5. ANONYMOUS DISCLOSURES

- 5.1 If a disclosure is made anonymously this could make it difficult to deal with the disclosure effectively. An Employee is therefore strongly encouraged to make themselves known when making a disclosure under this Policy.
- 5.2 Disclosures which are made anonymously will still be considered by the Whistleblowing Officer.
- 5.3 If an anonymous disclosure cannot be progressed due to lack of information, it will be held on record by the Whistleblowing Officer and/or Monitoring Officer and may form part of a future investigation. The record of disclosure shall continue to be available for 6 years.

[Return to Contents](#)

6. MAKING A DISCLOSURE

- 6.1 A disclosure shall ordinarily be acted upon and concluded in good time. Good time shall normally mean no more than three months.
- 6.2 A disclosure made by an Employee will be treated with sensitivity and, as far as practicable, the identity of the Employee will not be revealed.
- 6.3 If it is necessary for the Whistleblowing Officer investigating the concern to reveal the identity of the Employee this will be discussed with the Employee in advance.
- 6.4 Employees must be made aware they may be required to come forward as witnesses. In such circumstances, the Whistleblowing Officer will arrange for the Employee to be given advice about the relevant procedures. The Employee will also be afforded the opportunity to be accompanied by a trade union representative or other person of his/her choice if he/she has any further active involvement in the process.
- 6.5 Disclosures may be made to the Whistleblowing Officer orally, or in writing. The disclosure should, wherever possible, contain all relevant details about the background and history of the matter being disclosed including names, dates and times as well as the grounds for concern. An Employee who is unsure about how to approach this situation may seek advice from the Whistleblowing Officer.
- 6.6 A disclosure shall be subject to three stages.
- 6.7 **Stage 1**

The Employee shall make a disclosure to the Whistleblowing Officer (see 3.2).

The Whistleblowing Officer shall acknowledge receipt of the disclosure within 5 working days.

The Whistleblowing Officer may receive the disclosure from an Employee within the same department or another department. Acknowledgement of the disclosure will be made in writing to the Employee. Where the disclosure is made orally, the acknowledgement will also be in writing and contain a record of this.

The Whistleblowing Officer should report in writing the disclosure to the Head of Department against which it has been directed.

6.8 **Stage 2**

The Whistleblowing Officer shall assess what further action is required concerning the disclosure, inform the Employee in writing of the further action to be taken and inform the Monitoring Officer of this proposed course of action.

The purpose of the Monitoring Officer being made aware of the proposed course of action is to allow them to be satisfied that action is being taken in respect of a disclosure and that this is appropriate. The role of the Monitoring Officer in this regard is not the same as reviewing the further action to be taken. This is a matter for the Whistleblowing Officer.

6.9 **Stage 3**

The Whistleblowing Officer shall determine a programme of action.

A programme of action as determined by the Whistleblowing Officer may include, but shall not be limited to, investigations, an internal audit, a recommendation that recourse be made to the Disciplinary Procedure or referral to the appropriate external agency.

The Whistleblowing Officer may also recommend urgent action to curtail alleged malpractice prior to investigation.

The Employee may be required as a witness in any investigatory or other process and in respect of any subsequent proceedings which may arise as a result.

The outcome of the programme of action shall be notified to the Employee in writing. The Monitoring Officer shall also be informed of the outcome in writing.

[Return to Contents](#)

7. EXTERNAL DISCLOSURES

7.1 While the purpose of this Policy is to create the conditions in which Employees feel confident to raise matters internally, it is recognised that there may be circumstances where matters may be properly reported to certain external bodies such as the Health and Safety Executive or the Police.

- 7.2 The Employee must seek advice prior to making an external disclosure to ensure that the disclosure to the external body is protected. Such advice may be sought from the HR Service Centre on 0131 469 5555, trade union representatives, an Employee's legal adviser or other specialist external bodies such as the Health and Safety Executive or the Police.
- 7.3 Certain external bodies to which matters may be properly reported are known as 'prescribed persons'. A list of prescribed persons is made available by the Secretary of State, who currently lists more than 50 regulatory bodies to whom protected disclosures may be made. It can be found at <https://www.gov.uk/whistleblowing/how-to-blow-the-whistle>
- 7.4 If an Employee is concerned about using the internal disclosure arrangements they can seek advice from Public Concern at Work, which provides a confidential helpline. Contact details for the helpline number are [TELEPHONE]. This service is not a substitute for raising matters covered by other procedures and where appropriate, callers may be referred to the appropriate procedure.

[Return to Contents](#)

8. CONTACT WITH THE MEDIA

- 8.1 This Policy has been developed to enable Employees to express concerns on the basis that it is in the public interest to make such matters known to the Council. However, reporting of a concern does not mean that such matters should be made available for public consumption through the media and/ or social media.
- 8.2 Disclosure to the media is prohibited during the course of, or after completion of an investigation either conducted internally or via those external bodies known as 'prescribed persons'. Disclosure to the media in these circumstances may lead to disciplinary action against the Employee.

[Return to Contents](#)

9. GENERAL

- 9.1 This Policy is not intended to replace any other statutory reporting procedures operated by the Council.
- 9.2 Matters of concern relating to an Employee's own situation which would normally be dealt with under the Council's Grievance Procedure should continue to be handled in that way.

[Return to Contents](#)

10. LOCAL AGREEMENT

- 10.1 This document is a local collective agreement between the Council and the recognised Trade Unions. Every effort will be made by both parties to ensure that this document will be maintained as a local collective agreement, and adjusted by agreement to meet changing future needs. In the event of failure to reach agreement, both parties reserve the right to terminate this local agreement by giving four months notice in writing. In such circumstances, the terms of the local agreement will cease to apply to existing and future employees.

[Return to Contents](#)

DRAFT

A safer mechanism for reporting Edinburgh Council mismanagement

I ask the Council to implement a whistleblowing hotline for Council staff with an organisation that exists outside the Council, to which only senior Councillors would have access. An independent body such as Expolink or the Edinburgh Voluntary Organisation Council (EVOC) should run the hotline and every Council worker should learn about it as part of their induction training. The hotline should: i) Be completely inaccessible to Council staff apart from when a suggestion or complaint was lodged ii) Allow the staff complainant's name to be withheld by the body should they need to investigate any matter with relevant Council staff, but that the body might make the name available to elected members on condition of confidentiality iii) Be resourced by the Council through a revenue grant sufficient to administer the scheme. iv) Act as a deterrent against inappropriate and criminal behaviour by Council staff; giving elected members the information they need to take rapid, remedial action

The hotline could contribute to the re-building of confidence between Cllrs, ordinary staff and the rate-paying public after the property conservation and Mortonhall scandals, and help dissipate a culture of fear in speaking out at the Council- about either malpractice or the unintended consequences of Council management decisions. I believe that it would be to the clear advantage of the Council to have an improved whistleblowing system in place, which would assist both Councillors and employees to avoid future scandals that would bring the Council into disrepute.

Corporate Policy & Strategy

11 June 2013

The Future Management & Ownership of Easter Craiglockhart Hill Local Nature Reserve (LNR) & Adjacent Green Spaces

Item number	7.3
Report number	
Wards	Fountainbridge/Craiglockhart Meadows/Morningside

Links

Coalition pledges	P33 , P48
Council outcomes	CO23 , CO26
Single Outcome Agreement	SO4

Mark Turley

Director of Services for Communities

Contact: David Jamieson, Parks & Greenspace Manager

E-mail: david.jamieson@edinburgh.gov.uk | Tel: 0131 529 7055

Executive summary

The Future Management & Ownership of Easter Craiglockhart Hill Local Nature Reserve (LNR) & Adjacent Green Spaces

Summary

This Report discharges an outstanding remit from the Corporate Policy and Strategy Committee of 6 November 2012 to investigate opportunities for, and seek public opinion on, the future ownership and management of the Easter Craiglockhart Hill Local Nature Reserve and those green spaces on the Hill presently in private ownership. It summarises the outcome of an extensive public consultation on possible land management options and details the legal and other implications of the options available to the Council. Councillor Burns and the other Ward Councillors have been consulted on the contents of this report.

Recommendations

It is recommended that Committee:

1. Seeks Council approval to secure title to those open spaces on Easter Craiglockhart Hill that would enhance landscape connectivity and retain public access.
2. Supports the Council working with local residents and site users to ensure community involvement in the future management of the Hill's open spaces. This to include further consideration of community ownership or leasing of some or all of the secured public land to a community representative group, along the lines of Option 4a.
3. Refer any further financial matters pertaining to the transfer of open space land at Easter Craiglockhart Hill to either the Finance & Budget Committee or Full Council.

Measures of success

That the open spaces that make up Easter Craiglockhart Hill remain accessible to the public and are managed in a manner that benefits nature conservation and informal recreation.

Financial impact

Although it is anticipated that the land would be transferred at a negotiable and nominal purchase price, any transfer of land will incur legal costs. However, at this time it is difficult to accurately estimate these. In terms of the transfer of the Craighouse Partnership land, the Council would expect legal costs to be met by the Craighouse Partnership as part of the terms agreed. If the land was then to be leased or transferred to a community group then the costs involved would vary depending on the matters raised. In such cases, the Council would usually ask that each party bear their own costs.

As the existing Council-owned land is also held in trust by Fields in Trust additional legal costs are likely to apply. If part of the ground involved is considered to be common good, the transfer or lease of the land would not be possible without first obtaining the consent of the court. This will significantly add to the cost of transfer.

If the Council takes title to land currently owned by the Craighouse Partnership, the Council will incur costs to make the site safe and good along with ongoing maintenance costs of the order of tens of thousands of pounds per year (initial estimates of £20,000-£30,000 p.a.) for the management of open space. Grounds maintenance budgets are just about sufficient to maintain the Council's current green estate and would be unable to absorb these additional costs without making reductions in service elsewhere. As a condition of taking title, the Council would normally be expected to negotiate a payment by the developer to cover initial site improvements and possibly also a commuted sum to contribute to future ground maintenance costs. Community ownership or some form of community stewardship of Local Nature Reserves and the adjacent greenspaces on Easter Craiglockhart Hill may mitigate the additional grounds maintenance costs that would be incurred if the Craighouse Partnership land was transferred to the Council.

Equalities impact

There is no equality impact at this stage. However, an ongoing Equalities & Rights Impact Assessment will be carried out to influence and inform the final decision making process.

Sustainability impact

So long as the open spaces on Easter Craiglockhart Hill are managed for the benefit of nature conservation and informal public recreation any impact on sustainability should be positive. Sustainability issues would be considered in greater detail should the Council decide to take title to or transfer any of the associated land.

Consultation and engagement

A stakeholder analysis was undertaken to identify and involve the stakeholders who would have an interest in the future ownership and management of Easter Craiglockhart Hill. This led to an extensive consultation with a wide range of representative organisations, and the creation of means by which they and local residents could be made aware of the proposals and have the opportunity to express an opinion and preference.

Information leaflets and response forms were delivered to 750 households in the immediate vicinity of Easter Craiglockhart Hill and a further 6,700 to households in the wider locality. A number of different ways of responding were provided, including paper based questionnaires, an on-line survey, written response and telephone contact. Facebook and twitter feeds were alerted, and the Council's website uploaded with relevant content, including a description of the options and information about the various consultative exercises. Answers to "frequently asked questions" were provided to help clarify the various options under consideration. Posters and leaflets were placed on public notice boards and other public locations. Two public meetings were held at Meggetland and Morningside. An opportunity to submit consultation responses was available at both meetings. The consultation generated a total of 394 recorded responses.

Following this public consultation an additional discussion was organised with Ward Councillors from the Fountainbridge/Craiglockhart and Meadows/Morningside Wards.

Background reading / external references

Corporate Policy and Strategy Committee minutes of 6 November 2012

Easter Craiglockhart Hill Local Nature Reserve Management Plan 2011-2016

Transport, Infrastructure and Environment Committee minutes of 13 September 2012

Local Nature Reserves – report to Transport, Infrastructure and Environment
Committee 13 September 2013

A 'Framework to Advance a Co-operative Council 2012/17' – report to the City of
Edinburgh Council 25 October 2012

The Future Management & Ownership of Easter Craiglockhart Hill Local Nature Reserve (LNR) & Adjacent Green Spaces

1. Background

- 1.1 At its meeting of 6 November 2012 the Corporate Policy and Strategy Committee sought an investigation into the opportunities for, and public opinion on, the future ownership and management of the Easter Craiglockhart Hill Local Nature Reserve and those other green spaces on the Hill that are presently in private ownership.
- 1.2 A range of future ownership and management options were identified. These were used as the basis for an extensive community consultation along with an initial assessment of the factors that the Council would need to be aware of and consider should it be minded to take on new land holdings and/or transfer land management responsibility to the community.
- 1.3 The Council's Capital Coalition has aspirations for Edinburgh to become a Cooperative Capital where public services work better together and communities have more influence over the services which affect their lives. A 'Framework to Advance a Cooperative Capital 2012/17' was approved by Council 25 October 2012.
- 1.4 The Transport, Infrastructure and Environment Committee at its meeting on 13th September in 2012 considered a report on Local Nature Reserves and the potential for transfer of ownership to community groups or charitable trusts. The Committee agreed that greater community ownership and involvement in Local Nature Reserves could lead to enhanced community capacity, access to new forms of funding, more pride in community landmark sites and was exactly the kind of direction signalled by the Council's ambition to become a co-operative council. It also agreed to support and facilitate greater community ownership and stewardship of Local Nature Reserves where there was local appetite to explore this, where capacity to take on that role had been demonstrated and where it was judged to be in the long term interest of the Local Nature Reserve and the wider community.

2. Main report

- 2.1 Easter Craiglockhart Hill is made up of a number of landscape features that collectively provide valuable recreational green space for nearby residents, and important habitat for wildlife. Most of the green space is currently within the Craighouse Campus grounds which is owned and managed by the Craighouse Partnership, and the remainder is owned by the Council. For ease of reference, the entire area can be sub-divided into five open space parcels, namely Meadowspot Wood, South Craighouse Woods, The Orchard, and the eastern part of the Easter Craiglockhart Hill Local Nature Reserve, all owned by Craighouse Partnership and the western part of the Easter Craiglockhart Hill Local Nature Reserve, encompassing Craiglockhart Wood and Craiglockhart Pond owned by the Council.
- 2.2 At the meeting of the Corporate Policy and Strategy Committee on 6th November 2012 the following motion by Councillor Burns was (with adjustments) approved:
- Committee:
- 1) Notes that, an opportunity has arisen to transfer ownership and management of the woodland and open space within the 'Craighouse site' to the Council (or appropriate body in the community) to create a single woodland and open space.
 - 2) Agrees that, in principle, it would be desirable, for the first time in the city, to consider community ownership and management of the woodland and open space in the area for the longer term.
 - 3) Calls for a report, within four cycles, that describes how this might be achieved, with ownership transferring to the Council as an interim measure, with a view to the eventual transfer of ownership and management, to a community organisation.
 - 4) That report to explore, as a secondary option, joint ownership between Council and community, with community and Council working together.
 - 5) That report to include the results of a wider community consultation, on the various options, to be undertaken via the Edinburgh South West Neighbourhood Partnership Office and with the 'Parks and Greenspace' Team and the Edinburgh South Central Neighbourhood Partnership. That consultation to be conducted in a transparent manner with all relevant stakeholders consulted, and with strong local community involvement including Common Ground Association and The Friends of Craighouse, and all documentation made available to the public.

6) That any agreement about the geographical areas to be so vested shall be agreed upon by open and transparent discussion between all relevant stakeholders and with strong community involvement.

7) That report to address funding and liabilities issues that a community organisation in the future would have to address, as well as an analysis of potential community capacity, and what benchmarks and quality controls would need to be in place to ensure confidence that the land could be managed to the appropriate standard for the wider benefit of the people of Edinburgh.

8) Notes that this motion and any transfer of land shall not affect in any way the existing planning designations and protections on the site, whether under community or private ownership or infer that access can be prohibited or boundaries erected across the rest of the site and notes that any decision on or progress towards potential community ownership of Easter Craiglockhart Hill is completely separate from any application for planning consent to develop the buildings and adjacent land on the former Craighouse campus; and that agreement, in principle, by the Craighouse Partnership to transfer land into alternative ownership shall have no bearing on how any such planning application is viewed or dealt with”.

Community Consultation

2.3 Given the complexity of land parcels across the hill a total of five land management options were identified as the basis for a consultation with local residents and user groups:

- **Option 1** - Take no action. The consequence would be that if the proposed housing development is completed, it is likely that a new residents association would become joint owners of the land currently managed by the Craighouse Partnership and they would appoint a managing agent to maintain the open green spaces.
- **Option 2** - Craighouse Partnership transfers ownership of its entire open green space to the Council, which then manages it on behalf of the city, community and the residents.
- **Option 3** - Joint ownership, with Craighouse Partnership transferring its land to the community which then owns and takes management responsibility for it, with the Council retaining the part of Local Nature Reserve it already owns and manages.
- **Option 4** - Community ownership and management of all areas
- **Option 4a** - Transition period of Council ownership (option 2) and joint management between the community and the Council, with the community

moving towards full community ownership and management (option 4) over a period of time (e.g. 5 years) during which time the community is able to raise funds and show its ability to manage the land.

2.4 These options were presented to the communities around Easter Craiglockhart Hill through a number of ways. Postal, poster, web, twitter and facebook invitations were sent to encourage people to attend one of two Community Consultation events held at Meggetland Sports Complex (21 February 2013) and Morningside United Church Hall (21 March 2013). Those unable to attend the events were invited to give their views and comments electronically via an on-line feedback form, citing their preferred option.

2.5 In total, 394 preferences were recorded:

- 6 preferences for Option 1 (1%)
- 247 preferences for Option 2 (63%)
- 28 preferences for Option 3 (7%)
- 23 preferences for Option 4 (6%)
- 90 preferences for Option 4a (23%)

In effect, this means that of those who responded to the consultation and cited a preference, there is an overwhelming desire (86%) that the Council take initial ownership of available, publicly accessible land on Easter Craiglockhart Hill. A third of respondents would like to see community ownership at some point, but the majority would want any transfer to happen in a measured manner over an appropriate period of time, and to not necessarily include that land already owned and managed by the Council.

Option 1 - Current Management of the Hill

2.6 The Easter Craiglockhart Hill Local Nature Reserve (LNR) was declared by the Council under the provisions of the National Parks & Access to the Countryside Act, 1949 in 2005. Partly owned by the Council and partly by the Craighouse Partnership, the non-Council area falls under the auspice of a legally binding management agreement to ensure that it is managed for nature conservation and informal recreation. The whole LNR is maintained by the Parks & Greenspace service and managed under an approved management plan by the Easter Craiglockhart Hill Local Nature Reserve Management Group. The group includes membership from the City of Edinburgh Council, the Craighouse Partnership and the Friends of Craiglockhart Woods and Nature Trail.

- 2.7 The Friends of Craiglockhart Woods and Nature Trail is a very active Park Friends Group, which as part of their commitment to preserve and improve the woodland and hill access, carries out regular conservation projects, community events, and educational activities. Thanks to its ongoing work in partnership with the Council, the site has consistently scored extremely highly in the Council's annual Parks Quality Assessments, and was successful in attaining a Green Flag Award in 2008, which has been retained every year since.
- 2.8 As part of the commemoration of the Queen's Diamond Jubilee, the Council-owned part of the LNR was dedicated a Diamond Jubilee Field. This means that the area is now held in trust by Fields in Trust. Any transfer of title or lease of the land to a third party will therefore first require the approval of Fields in Trust.
- 2.9 The remainder of the land outside of the LNR is owned by the Craighouse Partnership and is managed through its own grounds maintenance arrangements. In the event that the proposed residential development proceeds, Craighouse Partnership is likely to transfer its open space to the joint ownership of the house owners, who would then be jointly responsible for the grounds maintenance previously carried out by Craighouse Partnership.

Option 2 - Extended Council Ownership Option

- 2.10 The Craighouse Partnership has indicated that it would be willing to transfer approximately 30 acres of the Craighouse grounds into public ownership should it be granted consent to develop the former campus estate. If the Council was to agree to take title to any of the land it would need to consider whether this would also require a financial contribution from the Craighouse Partnership in order to bring the open spaces up to the Council's Landscape Quality Standard and make good/safe any site features (e.g. boundary walls, trees and woodland, footpaths & steps etc).
- 2.11 There would be an expectation that the existing management plan for the Local Nature Reserve be extended to include some or all of these additional lands so that they could be managed as part of a site improvement programme. The existing LNR Management Group could also be invited to widen its responsibilities and membership to ensure greater community involvement in the management of these additional lands.
- 2.12 Should future site management focus on nature conservation and informal recreation the Council could consider extending the boundaries of its Local Nature Reserve. Furthermore, Fields in Trust could be invited to extend their dedication to include the additional lands. Both measures would enhance protection of the area as publicly accessible open space.

Option 3 - Joint Ownership Option

- 2.13 The Council could retain title to its existing land and assist the community to take ownership of the lands currently held by the Craighouse Partnership. If the Craighouse Partnership agrees to transfer its open green space to the community, the community will have to set up a legal entity to take title to the land. It is most likely that it would be a company limited by guarantee which would seek to secure charitable status in order to define its charitable/community purpose and objectives. As landholding neighbours, it would be advisable to seek a mechanism for an holistic approach to management of the Hill's open spaces. This would most likely take the form of a joint management group and the production of a joint management plan. If all the land was to be managed for nature conservation and informal recreation then the current LNR could be extended under the provisions of a legal management agreement.

Option 4 - Community Ownership Option

- 2.14 The Council has aspirations to develop the concept of a 'Co-operative Council' and the potential for the transfer of management or ownership of community assets such as LNRs to community based organisations may be one way of realising this aspiration. Should the Council be minded to support full community ownership and management of all the land parcels it will need to relinquish title to its own land holdings and clarify how it can support the community through the process of securing title to the lands currently owned by the Craighouse Partnership. It will also need to seek the opinion/permission of Fields in Trust to any transfer of FIT dedicated land, as well as the Courts for relinquishment of any Common Good status that may apply.
- 2.15 As part of the process of transferring Council land by lease or sale, the value of the land would need to be assessed and conditions applied to the title to ensure that it is retained as publicly accessible open space. If leasing rather than sale/transfer was favoured, the lease terms would have to include the basis and quality of future management of the land.
- 2.16 A form of restricted marketing would be appropriate in terms of establishing who was a representative and appropriate community group. This could also involve a consultation exercise.
- 2.17 Under community ownership the Council would be able to negotiate the retention/extension of the LNR designation through a legally binding management agreement with the new landowner. Although it would no longer be able to retain the site's Green Flag Award, the new landowner could apply for a Community Green Flag Award.

Option 4A - Council Ownership in advance of Community Ownership

- 2.18 If the Council was to take title to the lands offered by the Craighouse Partnership all the considerations in section 2.7 would apply. If it were subsequently to transfer the lands to a community group all the considerations in section 2.9 would also apply at the time of transfer to the community.
- 2.19 If the Craighouse Partnership transferred its land first to the Council, the Council would have to ensure that there were conditions attached to the title to ensure that the land could be transferred to an appropriate community group.
- 2.20 The period of time between the Council transferring the land to the community would enable the community to develop its entity, membership, capacity and means all without the immediate responsibilities of a landowner. It would also allow the Council a period of time in which to determine the ability of the community to undertake the responsibilities of land management, including the funding and liabilities issues that a community organisation would have to address.
- 2.21 Essentially, over this period the community group could take on an increasing number of tasks and requirements of land management as its capacity and skills developed, such as access improvements and maintenance, woodland and habitat management, site interpretation and information, infrastructure works, fundraising, and site presence. Performance could be assessed against a range of benchmarks, such as the Council's annual Park Quality Assessment, monthly Landscape Quality Standard grounds maintenance performance system, budget management and user satisfaction surveys.

Issues relating to the Council's title

- 2.22 The Council owned area consists of two titles. The first, which includes the large Craiglockhart Skating Pond, was acquired from the East of Scotland Lawn Tennis and Sports Club Limited by the Corporation of The City of Edinburgh for £6,000 on 28 June 1958. There are no title conditions in the disposition transferring ownership which relate to using the land for common good purposes but the following facts all contribute to it being likely to comprise inalienable common good land:

- the disposition does not refer to the area having been acquired for statutory purposes;
- the area was purchased by a former burgh pre-1973;
- the subjects may have been dedicated for common good purposes;
- the subjects may have been used by the public for time immemorial for such common good purposes.

If the land is common good a lease/sale/transfer would require the prior consent of the court.

2.23 The second Council title pertains to Craiglockhart Wood, which was gifted to the Council in 1985 by the Craiglockhart Estate Company Limited, for recreational purposes. Due to being a post-burgh gift it is less likely that this would be regarded as common good. However, land can also become common good through irrevocable dedication to public uses by the Council or by public use, as of right, for a particular purpose (or for general purposes) from time immemorial. If the land is common good a lease/sale/transfer would require the prior consent of the court.

3. Recommendations

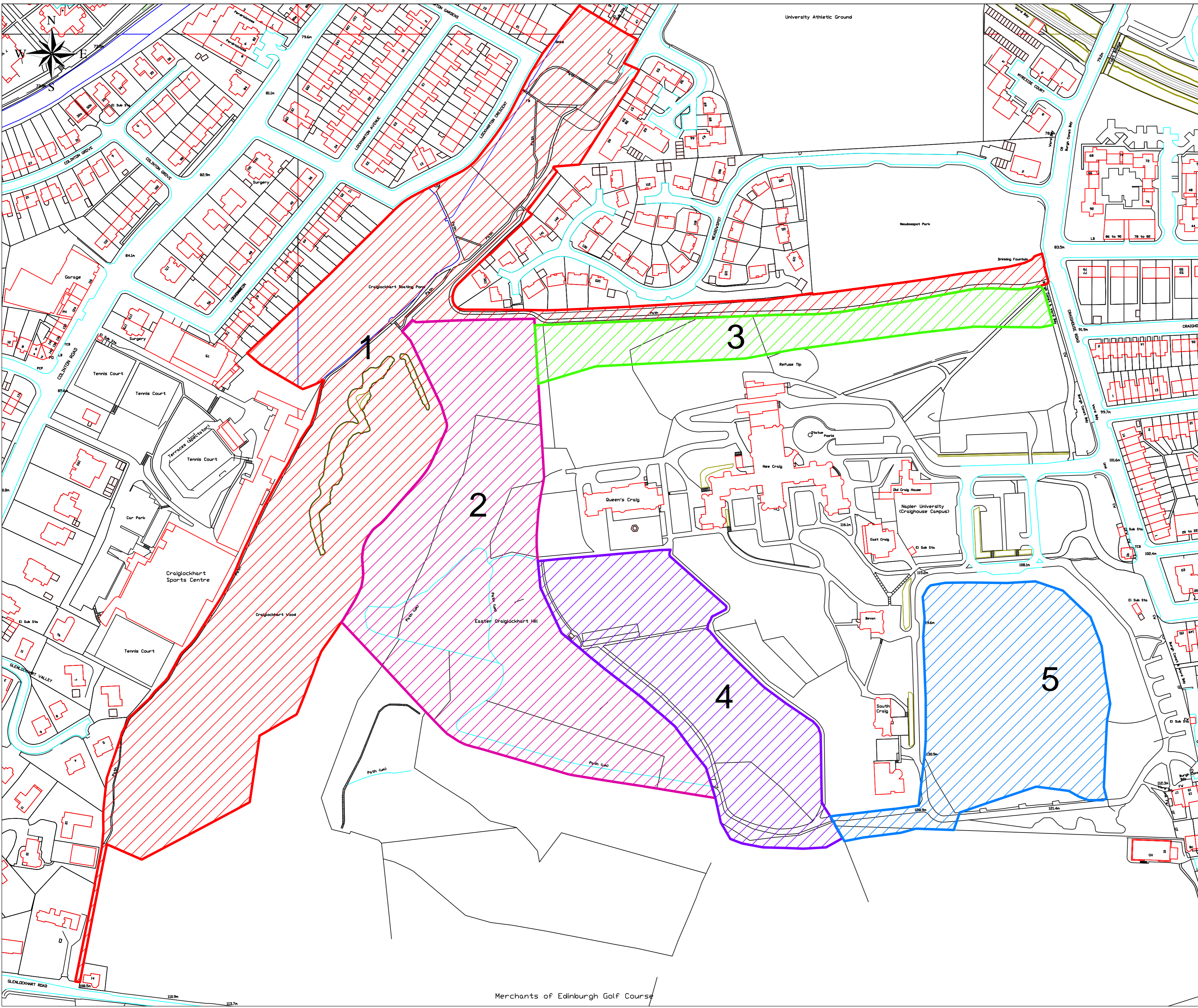
It is recommended that Committee:

1. Seeks Council approval to secure title to those open spaces on Easter Craiglockhart Hill that would enhance landscape connectivity and retain public access.
2. Supports the Council working with local residents and site users to ensure community involvement in the future management of the Hill's open spaces. This to include further consideration of community ownership or leasing of some or all of the secured public land to a community representative group, along the lines of Option 4a.
3. Refer any further financial matters pertaining to the transfer of open space land at Easter Craiglockhart Hill to either the Finance & Budget Committee or Full Council.

Mark Turley

Links

Coalition pledges	P33, P48
Council outcomes	CO23, CO26
Single Outcome Agreement	SO4
Appendices	1.Consultation Map



- Notes
- Local Nature Reserve**
- 1 South - Current Owner
City of Edinburgh Council.
 - 2 North - Current Owner
Craighouse Partnership.

- Non Local Nature Reserve**
- 3 Meadowspot Wood -
Current Owner
Craighouse Partnership.
 - 4 South Craighouse Woods
-Current owner
Craighouse Partnership.
 - 5 Orchard - Current owner
Craighouse Partnership.

Revised Date	Revised Date
Revised Date	Revised Date
Revised Date	Revised Date

EDINBURGH
 THE CITY OF EDINBURGH COUNCIL
 SERVICES FOR COMMUNITIES
 PARKS and GREENSPACE
 Waverley Court
 4 East Market Street
 Edinburgh
 EH8 8BG

**Easter
 Craiglockhart Hill
 Consultation**

Nat: Grid Ref:	Scale NTS
Date 21/01/2013	Drawn by Alan Grevers
District NHO	Plan No: ECH 01/001

Corporate Policy and Strategy Committee

10am, Tuesday 11 June 2013

McCrae's Battalion Trust – Commemorative Service at Contalmaison Cairn – 1 July 2013

Item number	7.4
Report number	
Wards	City Wide

Links

Coalition pledges
Council outcomes
Single Outcome Agreement

Alastair Maclean

Director of Corporate Governance

Gary Turner, Policy Officer

Gary.turner@edinburgyh.gov.uk | Tel: 0131 529 3263

Executive summary

McCrae's Battalion Trust – Commemorative Service at Contalmaison – 1 July 2013

Summary

The Council supported the Hearts Great War Memorial Committee by providing a £5,000 grant towards the cost of a cairn at Contalmaison to commemorate the 15th and 16th Battalions of the Royal Scots at the Battle of the Somme. The Council was also represented at the unveiling ceremony in 2004.

The Council has since been represented at each of the annual commemorative ceremonies and has received an invitation to be represented at this year's ceremony.

As the Lord Provost is unable to attend, approval is sought for Councillor R Henderson to attend.

Recommendations

To approve the attendance of Councillor R Henderson at the Commemorative Service at Contalmaison on 1 July 2013.

Measures of success

There are no immediate measures of success applicable to this report.

Financial impact

Travel and accommodation is approximately £700 which can be met from the Corporate Governance budget.

Equalities impact

There are no equalities impacts arising from this visit.

Sustainability impact

Travel arrangements in accordance with the Council's Sustainable Travel Plan.

Consultation and engagement

There are no consultation or engagement requirements.

Background reading / external references

None.

Alastair Maclean

Director of Corporate Governance

Links

Coalition pledges

Council outcomes

Single Outcome

Agreement

Appendices

Corporate Policy & Strategy Committee

10am, Tuesday, 11 June 2013

Crackdown on Legal Loan Sharks – Referral from the Petitions Committee

Item number	7.5(a)
Report number	
Wards	ALL

Links

Coalition pledges	See attached report
Council outcomes	See attached report
Single Outcome Agreement	See attached report

Carol Campbell

Head of Legal, Risk and Compliance

Contact: Hannah King, Committee Officer

E-mail: hannah.king@edinburgh.gov.uk | Tel: 0131 529 4121

Contact: Jody Mackay, Project Officer

E-mail: jody.mackay@edinburgh.gov.uk | Tel: 0131 469 3828

Terms of Referral

Crackdown on Legal Loan Sharks

Terms of referral

On 3 June 2013 the Petitions Committee considered a report by the Director of Services for Communities outlining the feasibility of five actions identified within the petition 'Crackdown on Legal Loan Sharks'.

The Petitions Committee agreed:

1. To refer the report to the Corporate Policy and Strategy Committee for consideration; and
2. To ask the Director of Services for Communities to provide further information to the Corporate Policy and Strategy Committee on:
 - i) the historic input the Council had in setting up credit unions.
 - ii) details of previous literacy campaigns.
 - iii) the UK wide license system and what further work was being undertaken to regulate this area.

For decision/action

The Petitions Committee has referred the attached report to the Corporate Policy and Strategy Committee for consideration.

Background reading / external references

Petitions Committee 18 April 2013

Petitions Committee 3 June 2013

Links

Coalition pledges	See attached report
Council outcomes	See attached report
Single Outcome Agreement	See attached report
Appendices	Report by the Director of Services for Communities

The Petitions Committee

10am, Monday, 3 June 2013

Crackdown on Legal Loan Sharks – Feasibility Study

Item number	5.3
Report number	
Wards	Citywide

Links

Coalition pledges	n/a
Council outcomes	CO10 & CO15
Single Outcome Agreement	n/a

Mark Turley

Director of Services for Communities

Contact: Susan Mooney - Head of Service
Andrew Mitchell - Community Safety Manager

E-mail: susan.mooney@edinburgh.gov.uk | Tel: 0131 529 7587
andrew.mitchell@edinburgh.gov.uk | Tel: 0131 469 5822

Executive summary

Crackdown on Legal Loan Sharks – Feasibility Study

Summary

This report provides further information on the issues raised in the Crackdown on Legal Loan Sharks Petition considered on 18 April 2013.

Recommendations

1. It is recommended that the petitions committee refers this report to the Corporate Policy and Strategy Committee for consideration.

Measures of success

Less use of payday loans is made by vulnerable residents.

Financial impact

Costs of a Financial Literacy Campaign will require to be developed and reported to Corporate Policy and Strategy Committee.

Equalities impact

The Council's proposed targeted financial literacy campaign and continued support of the OFT's enforcement exercise evidences the Council's due regard to minimising disadvantage as a result of economic deprivation. Additionally, those actions enhance the rights to standard of living and legal security respectively.

Sustainability impact

There is no environmental impact arising from the contents of this report.

Consultation and engagement

Not applicable.

Background reading / external references

[Office of Fair Trading Payday Lending Compliance Review Final Report
Petition received 24 December 2012, Crackdown on Legal Loan Sharks](#)

Crackdown on Legal Loan Sharks – Feasibility Study

1. Background

- 1.1 On 24 December 2012 a petition titled, Crackdown on Legal Loan Sharks was received by the Petitions Committee. This petition identified the actions of Payday Loan companies and claims a detrimental impact upon thousands of people. The petitioners state that the payday loan companies provide short term loans at rates that may exceed 4,000% Annual Percentage Rate (APR) and go on to suggest these companies may target low income families who are already struggling to make ends meet.
- 1.2 At the Petitions Committee of 18 April 2013 an initial report was requested outlining the feasibility of five actions identified within the petition as possible Council contributions to protect people from the actions of the Payday Loan companies.
- 1.3 The Payday lending sector has grown rapidly in recent years, in 2011/12 total lending was estimated by The Office of Fair Trading (OFT) to be around £2.2 billion, which corresponds to between 7.4 and 8.2 million new loans; this is up from about £900 million in 2008/09. There are around 190 payday lenders currently operating, the largest 50 lenders account for about 90% of total lending. Two of these largest 50 companies are based in Edinburgh. The Council's Debt Advice Service has seen a sharp increase in the number of people seeking advice in relation to Payday lenders. In the year 2012/13, £84,000 of payday loan debt was handled by the team in comparison to just £5,560 in 2011/12. Assuming that the average value of a payday loan is around £300, this represents about 280 individual loans. Some clients who approached the service had up to eight payday loans each.
- 1.4 The OFT has recently undertaken a review of Payday lenders. The top 50 payday lenders were individually inspected. In their 'Payday Lending Compliance Review Final Report', key findings included:
- 38 of the 50 lenders inspected failed to comply with at least one of the complaint handling rules of the Financial Ombudsman Service.
 - 30 of the 50 websites looked at emphasised speed and simplicity over cost – in some cases making claims that, if true, would amount to irresponsible lending.

- 28% of loans are rolled over or refinanced at least once, providing 50 per cent of lenders' revenues.
- Debt advisers reported that that borrowers seeking help with payday lending debts had on average rolled over at least four times and had six separate payday loans.

1.5 As a result of the review the OFT has written to all the major businesses requiring changes to their operating practices. The businesses have been given 12 weeks to comply or risk losing their credit license. This is a significant development and is relatively unusual in terms of enforcement action on this scale by the OFT.

2. Main Report

2.1 The Petition Statement indicates that “there is plenty the Council can do to protect people from the predatory practices of the Payday Loan Companies”. The petitioners call on the Council to establish a Task Force to tackle poor practice by these companies including investigating the feasibility of the five actions;

1. Running a Citywide financial literacy campaign – warning against dangers of payday loans, promoting Council money advice services and ensuring maximum benefit take up.
2. Promoting and supporting Credit Unions across all Council staff and related agencies.
3. Rejecting all planning applications for payday loan shops which include a “change of use”.
4. Blocking access to payday loan company websites in all council buildings and libraries across Edinburgh.
5. Encouraging a crack-down on rogue payday loan lenders who flout Trading Standards rules with more Council mystery shoppers.

2.2 Initial evaluation of the feasibility of each of these steps has been carried out.

Running a Citywide Financial Literacy Campaign

2.3 There are ongoing initiatives around promoting Council Dept Advice and Welfare Benefits take up particularly at this time of substantial welfare change. However this petition calls for a specific campaign with a warning against using payday loans at its core.

2.4 A campaign could target residents and communities that are most likely to be users of payday loans. Demographic profiling, using data from the Census, Edinburgh People's Survey and other sources of intelligence, could be used to segment audiences and target the campaign appropriately. For example, target areas of the City where low income families and state beneficiaries are resident.

- 2.5 A campaign could include a mix of 'paid for' elements, such as advertising and direct mail, as well as unpaid activity such as social media, media, editorial in community newspapers and partner publications, and Council, Neighbourhood Partnership and other partner website. Council officers regularly run awareness events around debt and welfare benefits issues and these could be targeted. Examples include 'Money Weeks', 'Dosh Days' and drop in surgeries; again these can be targeted and used to highlight issues around the use of payday loans.

Promoting and supporting Credit Unions

- 2.6 The Council can promote and support Credit Unions. Indeed much work has been done over the years to publicise and encourage participation, primarily with the Capital Credit Union. As the Committee may be aware the Capital Credit Union (CCU) was formerly the Credit Union started by the former Lothian Regional Council for employees. The CCU has been approached informally and has expressed enthusiasm to work closely with the Council to expand and develop this work in order to contribute to protecting consumers from the effects of payday loans.
- 2.7 The CCU has been developing loan products specifically designed to provide an alternative to the payday loan offerings. One of the points CCU stresses is that Credit Unions are not just for "poor people". The wider the spread of participation and the deeper the funds available, the greater the potential for socially responsible lending at rates modest when compared with the excesses of the payday loan operators.

Rejecting all planning applications for payday loan shops which include a change of use

- 2.8 Planning decisions and conditions are required to be reasonable and the system cannot be used to regulate matters controlled by other means with case law on this matter. As noted elsewhere in this report the Consumer Credit Act 1974 licensing regime exists to control and regulate credit businesses.
- 2.9 It is not considered feasible to attempt to restrict payday loan shops by use of planning conditions or refusing applications for change of use.

Blocking access to payday loan company websites in all Council buildings and libraries across Edinburgh

- 2.10 It is a relatively easy to take technical steps to selectively block access to such websites for all Council staff and also to prevent access through libraries. At least four other Scottish Local Authorities currently have in place similar restrictions. Dundee, East Renfrewshire, Mid Lothian and Stirling have taken this approach. It is understood that the payday lenders have made representations to those Councils denying access but their objections have been rejected with no known formal legal challenges resulting.

- 2.11 Should Council decide to block access, as suggested by the petitioners, the details of targeted websites are readily available; this action could be taken quickly and at negligible cost. The list would need to be kept under regular review.
- 2.12 Within any ban of certain websites it would be prudent to allow continued access for identified groups. Trading Standards enforcement staff would need continued access to permit monitoring and enforcement as part of their statutory duties. Advice Services staff and elected members may also need continued access to allow them to investigate constituents' complaints. Limited access to designated groups such as those identified can be provided for within the general prohibition.

Encouraging a crack-down on rogue payday loan lenders who flout trading standards rules with more Council mystery shoppers.

- 2.13 In common with all commercial credit businesses, payday loan companies are regulated by the Consumer Credit Act 1974 and require a licence to operate. The Office of Fair Trading (OFT) is the licensing body and is required to consider the fitness of any money lending operation when determining to grant a credit licence. The activities of payday loan lenders have recently attracted much publicity and attention at national level including from the OFT who have undertaken a compliance review of the whole payday loan sector.
- 2.14 In its report on the compliance review the OFT announced that it has written to the leading 50 payday lenders, each of which was inspected, giving them 12 weeks to address the specific issues identified with each of their businesses. They must demonstrate that they are fully compliant or risk losing their licence. Failure to cooperate will trigger enforcement action. It is also intended to refer the payday lending market to the Competition Commission.
- 2.15 Since the publication of their report the OFT have revoked three licences and a further two businesses have surrendered their licences. A further three formal investigations are ongoing with the expectation of more to follow as businesses respond, or not, to the specific issues raised with them.
- 2.16 The action being taken by the OFT goes beyond enforcement options available to any individual Local Authority Trading Standards Service and represents a major crack-down on these companies. Any credit company will effectively be put out of business if their credit licence is removed. In common with Trading Standards Services nationally, Edinburgh's Trading Standards Service is working with the OFT on this enforcement exercise and will continue to assist until all enforcement action has been completed. This coordinated action is considered a more effective and appropriate method than isolated local action and further activity is planned.
- 2.17 The petition suggests that mystery shopping exercises be undertaken. Whilst test purchasing is a power available its use in this context is limited. In order to be realistic Trading Standards staff would need to provide personal details

which would not be appropriate in terms of the Council's duty of care to its employees. Without personal information which can be verified it is highly unlikely that any meaningful check could be carried out. Trading Standards do use information from complaints received as a means of illustrating current trading practice.

3. Recommendations

- 3.1 It is recommended that the petitions committee refers this report to the Corporate Policy and Strategy Committee for consideration.

Mark Turley

Director for Services for Communities

Links

Coalition pledges	n/a
Council outcomes	CO10 - Improved Health and reduced inequalities CO15 - The public is protected
Single Outcome Agreement	n/a
Appendices	n/a

Corporate Policy and Strategy Committee

10am, Tuesday, 11 June 2013

Crackdown on Legal Loan Sharks – Feasibility Study

Item number	7.5(b)
Report number	
Wards	Citywide

Links

Coalition pledges	n/a
Council outcomes	CO10 & CO15
Single Outcome Agreement	n/a

Mark Turley

Director of Services for Communities

Contact: Susan Mooney - Head of Service
Andrew Mitchell - Community Safety Manager

E-mail: susan.mooney@edinburgh.gov.uk | Tel: 0131 529 7587
andrew.mitchell@edinburgh.gov.uk | Tel: 0131 469 5822

Executive summary

Crackdown on Legal Loan Sharks – Feasibility Study

Summary

The report on Crackdown on Legal Loan Sharks - Feasibility Study has been referred to Corporate Policy and Strategy Committee following consideration at the Petitions Committee on 3 June 2013, Item 5.3.

This additional report provides recommendations on the issues raised in the referred report for Committee consideration.

Recommendations

1. It is recommended that the Corporate Policy and Strategy Committee notes this report and;
 - a) recognises that this Council can make a contribution to curbing the excesses of the payday loan industry.
 - b) that options for a financial literacy campaign be developed.
 - c) that existing promotion and support for Credit Unions is continued.
 - d) agrees that access to payday loan websites is blocked on Council computer systems.
 - e) agrees that Edinburgh Trading Standards Service continues to support The Office of Fair Trading (OFT) enforcement actions following the compliance review of the payday loan sector.
 - f) agrees the establishment of an Officer Working Group to take forward agreed actions including further research on the following items as per recommendations of Petitions Committee and report back to Committee on progress.
 - i) the historic input the Council has had in setting up credit unions
 - ii) details of previous literacy campaigns
 - iii) the UK wide licence system and what further work is being undertaken to regulate this area.

Measures of success

Less use of payday loans is made by vulnerable residents.

Financial impact

Costs of a Financial Literacy Campaign will require to be developed and reported to Corporate Policy and Strategy Committee. There is no current budget provision for this work.

Equalities impact

The Council's proposed targeted financial literacy campaign and continued support of the OFT's enforcement exercise evidences the Council's due regard to minimising disadvantage as a result of economic deprivation. Additionally, those actions enhance the rights to standard of living and legal security respectively.

Sustainability impact

There is no environmental impact arising from the contents of this report.

Consultation and engagement

Not applicable.

Background reading / external references

[Office of Fair Trading Payday Lending Compliance Review Final Report](#)
[Petition received 24 December 2012, Crackdown on Legal Loan Sharks](#)

Mark Turley

Director of Services for Communities