

## **EAST AYRSHIRE COUNCIL**

### **GOVERNANCE AND SCRUTINY COMMITTEE - 18 JUNE 2010**

#### **MATTERS ARISING UPDATE REPORT**

##### **Report by Executive Director of Finance and Corporate Support**

### **1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to provide the Committee with a consolidated response to information requests made by Members at previous meetings.

### **2. BACKGROUND**

- 2.1 As Members are aware, during the course of discussions at meetings of the Governance and Scrutiny Committee, Members, from time to time, seek information or clarification from Officers on particular matters which requires to be provided after the meeting. Such requests arise from, and reflect, the role of the Committee in respect of its scrutiny function.
- 2.2 The Committee at its meeting held on 3 April 2009 agreed that, in future, a report be submitted to the Committee to consolidate all responses to information requests made by Members of the Committee at previous meetings or, otherwise, provide an explanation as to why the relevant information is not yet available. This approach will formalise the various matters arising into report format thereby facilitating presentation of the information to Members and recording of the origin and progress of the issues raised.

### **3. UPDATE ON MATTERS ARISING**

- 3.1 The outstanding matters arising from previous meetings of the Committee are as follows, namely:-
- (i) Reporting of Educational and Social Services balances to include detail of balances held by individual schools (GSC, 21 May 2010, Item 1.1.1, Page 1175, 07/12);
  - (ii) Number of Principal Teacher Deleted Posts and Probationary Teachers Employed for the Period 1 April 2009 to 31 March 2010 (GSC, 21 May 2010, Item 4, Page 1177, 07/12);
  - (iii) Number of Promoted Posts Deleted from Staffing Structures within Schools (GSC, 21 May 2010, Item 4, Page 1177, 07/12)
  - (iv) Grievances Raised within Neighbourhood Services for the period January to March 2010 (GSC, 21 May 2010, Item 4, Page 1177, 07/12)
  - (v) Precise Figures in Relation to Rent Collection (GSC, 21 May 2010, Item 6, Page 1178, 07/12);
  - (vi) Benefit Fraud and Prosecution Policy (GSC, 21 May 2010, Item 7, Page 1179, 07/12);

3.2 The information relevant to the abovementioned matters is set out below, namely:-

**3.2.1 Reporting of Educational and Social Services balances to include detail of balances held by individual schools**

**Information Requested:** A reporting format, including details on the balances held by secondary schools, to be presented to future Governance and Scrutiny Committee for approval.

**Response by the Executive Director of Finance and Corporate Support:-**

This information is provided within the Finance and Service Strategy Report issued with the Agenda for this meeting of the Governance and Scrutiny Committee (Item 9).

**3.2.2 Number of Principal Teacher Deleted Posts and Probationary Teachers Employed for the Period 1 April 2009 to 31 March 2010**

**Information Requested:** Information in connection with the number of Principal Teachers deleted from education establishments and the number of probationary teachers employed for the period 1 April 2009 to 31 March 2010.

**Response by the Executive Director of Educational and Social Services:-**

The number of Principal Teachers posts deleted 1 April 2009 to 31 March 2010 is 18 all in the secondary sector. The number of newly qualified teachers employed 1 April 2009 to 31 March 2010 is eight (newly qualified teachers but not all newly qualified teachers from East Ayrshire).

The number of newly qualified teachers on the induction scheme in 2008/09 was 72 and in 2009/10 there are 99.

**3.2.3 Number of Promoted Posts Deleted from Staffing Structures within Schools**

**Information Requested:** Confirmation of the precise numbers of promoted posts removed as a result of the Teacher Refresher Programme.

**Response by the Executive Director of Educational and Social Services:-**

The exact number of promoted posts deleted as a result of the teacher refresher programme for the period 1 April 2009 to 31 March 2010 was 24. Many of those allowed to go on teacher refresh were on conserved salary and would be replaced but on a lower salary so would not count

### **3.2.4 Grievances Raised within Neighbourhood Services for the period January to March 2010**

**Information Requested:** Confirmation of the exact number of grievances within the Department of Neighbourhood Services.

**Response by the Depute Chief Executive/Executive Director of Neighbourhood Services:-**

Stage 2 Grievances - 4 employees ( 4 x separate Grievances)  
Stage 3 Grievances - 6 employees ( 1 x collective of 4 employees and 2 x separate Grievances)  
Stage 4 Grievances - 24 employees (1 x collective of 15 employees, 1 x collective of 9 employees although only 5 have currently been heard)

### **3.2.5 Precise Figures in Relation to Rent Collection**

**Information Requested:** Precise figures relating to rent collection.

**Response by the Executive Director of Finance and Corporate Support:-**

	2007/08	2008/09	2009/10
Average Weekly Rent	£46.80	£48.62	£50.85
Current Rent Arrears (as % of collectable)	2.90%	3.14%	2.54%
Total Rent Arrears	£1.073m	£1.088m	£0.893m
Bad Debt Provision	£0.795m	£0.746m	£0.648m
Net Arrears	£0.278m	£0.342m	£0.245m

### **3.2.6 Benefit Fraud and Prosecution Policy**

**Information Requested:** With regard to regular reporting of the application of the Benefit Fraud and Prosecution Policy, information be presented to Members of the Governance and Scrutiny Committee on how the Prosecution Policy is applied.

**Response by the Executive Director of Finance and Corporate Support:-**

Benefit fraud is where someone knowingly claims benefit to which they are not entitled. The Council recognises that the submission of incomplete or inaccurate information in order to obtain benefit fraudulently is a criminal offence and will consider all such instances for submission to the Procurator Fiscal.

Where a particular case has been identified as being suitable to be forwarded to the Procurator Fiscal, the Council will first consider the powers provided to it within Section 15 of the Social Security Administration (Fraud) Act 1997 which allow for the imposition of Administrative Cautions and Administrative Penalties in place of prosecution.

The use of Administrative Cautions and Penalties is always at the discretion of the Council. Any refusal to accept such a sanction requires the Council to report the individual involved to the Procurator Fiscal.

The following criteria are considered in assessing whether to apply a Caution, Penalty or pursue a prosecution in each case:

- Social factors - claimant's age and any mental or physical health problems;
- Whether criminal intent can be evidenced together with the quality and suitability of the evidence;
- Previous fraud history and offences against the Council;
- Value and duration of fraudulent claim;
- Would the public interest be served through prosecution.

#### Statistical Information on Benefit Fraud and Prosecutions

<u>Action</u>	<u>2008/09</u>	<u>2009/10</u>
Total Number of Frauds Investigated	239	254
Total Number of Cautions Administered	5	5
Total Number of Administrative Penalties applied	14	10
Total Number of Prosecutions	24	16
% of Prosecutions Successful (Guilty Verdict)	100%	100%

Cases where there has been no caution, penalty or prosecution are still subject to full recovery procedures in respect of any overpayment of benefit.

#### **4. FINANCIAL/LEGAL/POLICY/COMMUNITY PLANNING/RISK IMPLICATIONS** - None arising directly from this report.

#### **5. RECOMMENDATION**

##### **5.1** The Committee is asked to note the information provided in response to the matters arising as set out in this report.

Alex McPhee  
Executive Director of Finance and Corporate Support

1 June 2010  
LY/FM

## **LIST OF BACKGROUND PAPERS - NIL**

Any person wishing further information on this report should contact Bill Walkinshaw, Head of Democratic Services on Telephone Number (01563) 576135.

**Implementation Officer: Lynn Young, Administrative Officer.**