



EDUCATION AND CHILDREN'S SERVICES COMMITTEE
ABERDEENSHIRE EDUCATIONAL TRUST SUB-COMMITTEE

FRIDAY, 11 MARCH, 2022, AT 10.15 A.M.

Your attendance is requested at a meeting of the **ABERDEENSHIRE EDUCATIONAL TRUST SUB-COMMITTEE** to be held by SKYPE, on FRIDAY, 11 MARCH, 2022, at 10.15 A.M.

This meeting will be live streamed and a recording of the public part of the meeting will be made publicly available at a later date.

3 March, 2022

Director of Business Services

To: Councillors I Davidson (Chair), L McAllister, G Owen, J Whyte and Ms Padfield.

Contact Person:- Kasia Balina Tel:- 01467 539511 Email:- kasia.balina@aberdeenshire.gov.uk
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B U S I N E S S

1. Sederunt and Declaration of Members' Interests.

2A. Statement on Equalities

Consider, and if so decided, adopt the following:- "In line with the Council's legal duty under section 149 of the Equality Act 2010, the Sub-Committee, in making decisions on the attached reports, shall have due regard to the need to:-

- (i) eliminate discrimination, harassment and victimisation;
- (ii) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
- (iii) foster good relations between those who share a protected characteristic and persons who do not share it."

2B. Exempt Information.

Consider, and if so decided, adopt the following resolution:- "That under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Items 5 & 6 of the business below, on the grounds that it involves the likely disclosure of exempt information of the class described in the relevant paragraphs of Part 1 of Schedule 7A of the Act."

3. Minute of Meeting of the Sub-Committee of 3 December, 2021. **(Pages 4-6)**

4. Aberdeenshire Educational Trust (AET) – Financial Update. **(Pages 7-9)**

ITEMS WHICH THE SUB-COMMITTEE MAY WISH TO CONSIDER WITH THE PRESS AND PUBLIC EXCLUDED

5. Aberdeenshire Educational Trust (AET) – Grant Funding Awards. **(Pages 10-29)**
(Exempt under Paragraph 4)

6. Aberdeenshire Educational Trust (AET) – Trust Modernisation. **(Pages 30-61)**
(Exempt under Paragraph 8)

DESCRIPTION OF EXEMPT INFORMATION

Paragraph 4 - Recipient of Financial Assistance - Information relating to applicants for, or recipients of, financial assistance from the Council.

Paragraph 8 - Estimated Expenditure on Contracts - Expenditure to be incurred by the Council under a contract for acquisition of property or supply of goods or services.

PUBLIC SECTOR EQUALITY DUTY – GUIDANCE FOR MEMBERS

What is the duty?

In making decisions on the attached reports, Members are reminded of their legal duty under section 149 of the Equality Act 2010 to have due regard to the need to:-

- (i) eliminate discrimination, harassment and victimisation;
- (ii) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
- (iii) foster good relations between those who share a protected characteristic and persons who do not share it.

The “protected characteristics” under the legislation are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; and (in relation to point (i) above only) marriage and civil partnership.

How can Members discharge the duty?

To ‘have due regard’ means that in making decisions, Members must consciously consider the need to do the three things set out above. This requires a conscious approach and state of mind. The duty must influence the final decision.

However, it is not a duty to achieve a particular result (e.g. to eliminate unlawful racial discrimination or to promote good relations between persons of different racial groups). It is a duty to have due regard to the need to achieve these goals.

How much regard is ‘due’ will depend upon the circumstances and in particular on the relevance of the needs to the decision in question. The greater the relevance and potential impact that a decision may have on people with protected characteristics, the higher the regard required by the duty.

What does this mean for Committee/Full Council decisions?

Members are directed to the section in reports headed ‘Council Priorities, Implications and Risk’. This will indicate whether or not an Integrated Impact Assessment (IIA) has been carried out as part of the development of the proposals and, if so, what the outcome of that assessment is.

An IIA will be appended to a report where it is likely, amongst other things, that the action recommended in the report could have a differential impact (either positive or negative) upon people from different protected groups. The report author will have assessed whether or not an IIA is required. If one is not required, the report author will explain why that is.

Where an IIA is provided, Members should consider its contents and take those into account when reaching their decision. Members should also be satisfied that the assessment is sufficiently robust and that they have enough of an understanding of the issues to be able to discharge their legal duty satisfactorily.

For more detailed guidance please refer to the following link:-

http://www.equalityhumanrights.com/uploaded_files/EqualityAct/psed_technical_guidance_scotland.doc

EDUCATION AND CHILDREN'S SERVICES COMMITTEE
ABERDEENSHIRE EDUCATIONAL TRUST SUB-COMMITTEE

VIRTUAL MEETING, 3 DECEMBER, 2021

- Present:** Councillors I Davidson (Chair), R Bruce (as substitute for Councillor G Owen), L McAllister, J Whyte and Ms S Padfield.
- Apology:** Councillor G Owen.
- Officers:** Accountant (Wendy Evans), Team Leader, Finance (Fiona Massie) and Principal Committee Services Officer all Business Services.

1. DECLARATION OF MEMBERS' INTERESTS

The Chair asked Members if they had any interests to declare, in terms of the Councillors' Code of Conduct. No interests were declared.

2. PUBLIC SECTOR EQUALITY DUTY

In taking decisions on the undernoted items of business, the Sub-Committee **agreed**, in terms of Section 149 of the Equality Act 2010:-

- (1) to have due regard to the need to:-
 - (a) eliminate discrimination, harassment and victimisation;
 - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (c) foster relations between those who share a protected characteristic and persons who do not share it, and
- (2) to consider, where an equality impact assessment has been provided, its contents and to take those into consideration when reaching a decision.

3. MINUTE OF MEETING OF THE SUB-COMMITTEE OF 19 MARCH, 2021

On consideration of the circulated Minute of Meeting of the Sub-Committee of 19 March, 2021, Members **approved** it as a correct record subject to Item 5, decision paragraph, being amended to replace the word Committee with Sub-Committee.

4. MEETING DATES 2022

A report dated 22 November, 2021 by the Director of Education and Children's Services had been circulated proposing quarterly meeting dates for meetings of the Sub-Committee in 2022.

The Sub-Committee **approved** the programme of meetings for 2022 as follows –

Friday, 11 March, 2022 10.15 a.m.
Friday, 24 June, 2022 10.15 a.m.
Friday, 9 September, 2022 10.15 a.m.
Friday, 9 December, 2022 10.15 a.m.

5. ABERDEENSHIRE EDUCATIONAL TRUST (AET) – GRANT FUNDING AWARDS

There had been circulated a report dated 22 November, 2021 by the Director of Business Services, setting out options for consideration of some of the uncertainties around income levels and the impact on grant awards that the AET was facing. The report explained that (1) the annual income for the trust was received from both its external and internal investments and also a donation from the Robb Trust, (2) in 2020/21 the trust received income of £106,221.49, (3) income levels were difficult to forecast each year due to the volatility of the stock market and timing of income received and it was now proposed that, in future, the previous year's income value be set as the amount to be disbursed for the next year from the trust allowing trustees to make decisions on a known level of income, with any additional income received during that year being invested to allow for future disbursements the following year, (4) it was also proposed that future applications for funding not already delegated for disbursement to the Head of Finance be held on file and presented to Trustees for determination at future meetings of the Sub-Committee, and (5) the statutory instrument which was the foundation for the trust needed modernisation and tentative enquiries had been made to external legal firms with a view to this work being undertaken and a report would be presented to the Sub-Committee in due course.

The Sub-Committee **agreed**:

- (1) that the disbursement level for the current year is set at the amount of income received in the previous financial year;
- (2) that any applications for grants other than those already delegated for disbursement to the Head of Finance for travel and further education awards be presented to the Sub-Committee for determination; and
- (3) that the Council's website be updated to publicise the new arrangements and deadlines for submission and consideration of applications at future meetings of the Sub-Committee.

6. ABERDEENSHIRE EDUCATION TRUST (AET) – FINANCIAL UPDATES

Consideration was given to a report dated 11 November, 2021 by the Director of Business Services which provided an update on the financial position of the trust for the period 1 April, 2021 to 31 October, 2021. The report advised that (1) at the start of the current financial year the balance held within AET was £4,255,216.90, (2) during the period from 1 April, 2021 to 31 October, 2021 income of £68,083.41 had been received in interest and dividends and £50,466.72 had been paid in grants, (3) expenditure on travel grants and school excursions remained low with some

applications expected for trips later in the financial year, (4) several applications for further education grants were awaiting the submission of further information, (5) £32,000 had been awarded to Kellands Primary School to assist with a multi use games area, and (6) that preference grants and school prizes were normally paid out annually at the financial year end.

The Sub-Committee **agreed** to note the financial position of the Aberdeenshire Educational Trust as at 31 October, 2021 as detailed in the report.

REPORT TO ABERDEENSHIRE EDUCATIONAL TRUST SUB-COMMITTEE – 11th MARCH 2022

ABERDEENSHIRE EDUCATIONAL TRUST (AET) – FINANCIAL UPDATE

1 Executive Summary/Recommendations

1.1 The report provides an update on the financial position of the Trust for the period 1st April 2021 to 31st January 2022.

1.2 The Sub-Committee is recommended to:

1.2.1 Note the financial position of the Aberdeenshire Educational Trust at 31st January 2022.

2 Decision Making Route

2.1 The purpose of this report is to give an update to Trustees on the grants disbursed from the Trust and the income received in the current financial year.

3 Discussion

3.1 At its meeting on 19th March 2021, the Sub-Committee agreed to receive regular updates on the Aberdeenshire Education Trust (AET) income and expenditure.

3.2 At the start of the current financial year the balance held within Aberdeenshire Educational Trust (AET) was £4,255,216.90. These monies are invested in a mixture of external investments and the Council's Loans Fund.

3.3 In the period from 1st April 2021 to 31st January 2022 there has been £70,277.22 paid out from the AET. The breakdown of the grants is shown below. For information the table includes the total amounts distributed in the previous two financial years.

	2021/22	2020/21	2019/20
	To 31 st January	To 31 st March	To 31 st March
Trust Scheme Section	£	£	£
20 – Post Graduate Scholarship	479.99	0.00	0.00
21 – Supplementary Bursary	716.23	0.00	0.00
22 – Apprenticeships	0.00	0.00	404.93
24 – Travel Grants	1,101.00	(46.80)	80,254.17
25 – Further Education	26,743.00	38,615.00	11,808.00
27 – Sports Facilities	24,000.00	0.00	0.00
28 – Special Equipment	15,960.00	100,000.00	9,000.00
30 – School Excursions	1,277.00	317.61	7,836.27
Preference Grants	0.00	3,728.75	3,728.75
School Prizes	0.00	614.63	614.63
	70,277.22	143,299.19	113,646.75

- 3.4 Expenditure on travel grants and school excursions is still low compared to previous years but there are a number of grant applications for ski trips due to take place in February and March 2022. If all these trips take place a further £17,500 will be paid out from the Trust.
- 3.5 Applications for further education grants continue to be received. It is anticipated that the total amount awarded will be similar to last year.
- 3.6 Under Section 28 of the scheme (Special Equipment) £42,000 has been awarded for projects which are unlikely to be complete this financial year, however, as the grants have been awarded, they will require to be reflected in the 2021/22 accounts.
- 3.7 Further applications have been received and are to be considered on this agenda, the total amount requested is £47,768.57.
- 3.8 Preference Grants and School Prizes are paid out annually at the financial year end. The amounts are currently set at £3,728.75 and £614.63 retrospectively.
- 3.9 In the period to 31st January 2022, £78,269.43 has been received in interest and dividends. The drop in interest received from the loans fund reflects the current low interest rates. The dividends from the external investments fluctuate according to market conditions.

Type of Income	2021/22	2020/21	2019/20
	To 31 st January	To 31 st March	To 31 st March
	£	£	£
Interest received from Council's Loans Fund	1,049.43	4,840.74	10,393.48
Dividends Received	77,220.00	80,133.80	107,824.38
Donation from the Robb Trust		21,246.95	22,885.13
	78,269.43	106,221.49	141,136.90

- 3.10 Income for 2021/22 has not been finalised, but, if all applications on this agenda are approved, along with the known amounts already paid or committed, the total estimated expenditure of £181,889.17 disbursed from AET is likely to exceed the annual income received. Balances carried forward from previous years will be required to fund any expenditure above the annual income received.

4 Council Priorities, Implications and Risk

- 4.1 The work of the Sub-Committee has the potential to impact on all of the Council's priorities including Our People – Education and Health and Wellbeing, Our Environment – Resilient Communities and Our Economy – Economy and Enterprise.
- 4.2 The table below shows whether risks and implications apply if the recommendation is agreed.

Subject	Yes	No	N/A
Financial		x	
Staffing			x
Equalities and Fairer Scotland Duty			x
Children and Young People's Rights and Wellbeing			x
Climate Change and Sustainability			x
Health and Wellbeing			x
Town Centre First			x

- 4.3 The screening section as part of Stage One of the Integrated Impact Assessment has not identified the requirements for any further detailed assessments to be undertaken. Section 193 of the 2010 Equality Act contains an exemption for charities which make positive discrimination to groups or individuals on the basis of their disadvantage. Insofar as the charity purposes discriminate positively in favour of individuals or groups on the basis of poverty, age, disability, or other disadvantage, and does not have a differential impact on any of the protected characteristics.

5 Scheme of Governance

- 5.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the [Scheme of Governance](#) and relevant legislation.
- 5.2 The Council is acting through powers granted to them by the Aberdeenshire Educational Trust Scheme 1955 as amended by the Aberdeenshire Educational Trust Amendment Scheme 1966 and not through the Scheme of Governance. The Sub-Committee has power to consider this report in terms of the Trust Scheme.

Ritchie Johnson
Director of Business Services

Report prepared by Fiona Massie, Team Leader, Strategic Finance
Date 21st February 2022