



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

**FRIDAY, 30 SEPTEMBER, 2022, AT 2.00 P.M.**

Your attendance is requested at a rescheduled meeting of ABERDEENSHIRE EDUCATIONAL TRUST SUB-COMMITTEE to be held by VIRTUAL MEETING, on FRIDAY, 30 SEPTEMBER, 2022 at 2.00 P.M.

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

22 September, 2022

Director of Business Services

To: Councillors J Whyte (Chair), L McAllister, G Owen, A Stirling, and Ms S Padfield.

Substitute Members: Councillors H Powell and A Simpson.

<b>Contact Person:-</b> Kasia Balina Tel:- 01467 539511 Email:- <a href="mailto:kasia.balina@aberdeenshire.gov.uk">kasia.balina@aberdeenshire.gov.uk</a>
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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 Item 5 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 24 June, 2022. **(Pages 4-6)**

4. Aberdeenshire Educational Trust (AET) – Financial Update. **(Pages 7-10)**

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

5. Aberdeenshire Educational Trust (AET) – Grant Funding Awards.  
**(Exempt under Paragraph 4) (Pages 11-27)**

### **DESCRIPTION OF EXEMPT INFORMATION**

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

## **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:-

[https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.equalityhumanrights.com%2Fsites%2Fdefault%2Ffiles%2Ftechnical\\_guidance\\_psed\\_scotland.docx&wdOrigin=BROWSELINK](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.equalityhumanrights.com%2Fsites%2Fdefault%2Ffiles%2Ftechnical_guidance_psed_scotland.docx&wdOrigin=BROWSELINK)

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

**VIRTUAL MEETING, 24 JUNE, 2022**

**Present:** Councillors J Whyte (Chair), G Owen, A Stirling and Ms S Padfield.

**Apology:** Councillor L McAllister.

**Officers:** Quality Improvement Manager, Education (Peter Wood), Legal Service Manager (Ruth O'Hare), Accountant (Wendy Evans), Team Leader, Finance (Fiona Massie) and Committee Officer (Kasia Balina).

**1. APPOINTMENT OF CHAIR**

The Committee Officer called for nominations for the appointment of the Chair of the Aberdeenshire Educational Trust Sub-Committee.

Councillor Owen, seconded by Councillor Stirling, moved that Councillor Whyte be appointed as Chair of the Sub-Committee.

There were no other nominations and Councillor Whyte was duly appointed Chair of the Aberdeenshire Educational Trust Sub-Committee and took the Chair for the remainder of the meeting.

**2. 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.

**3A. 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.

### 3B. EXEMPT INFORMATION

The Sub-Committee **agreed**, in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting during consideration of the item specified below so as to avoid disclosure of exempt information of the classes described in the undernoted paragraphs of Part 1 of Schedule 7A of the Act.

Item No	Paragraph No of Schedule 7A
6	4

#### 4. MINUTE OF MEETING OF THE SUB-COMMITTEE OF 11 MARCH, 2022

On consideration of the circulated Minute of Meeting of the Sub-Committee of 11 March, 2022, Members **approved** it as a correct record.

#### 5. ABERDEENSHIRE EDUCATIONAL TRUST (AET) – FINANCIAL UPDATE

With reference to the Minute of Meeting of the Sub-Committee of 19 March, 2021 (Item 6), when the regular updates on the Aberdeenshire Education Trust (AET) income and expenditure had been agreed, there was circulated a report dated 13 June, 2022, by the Director of Business Services, which outlined the financial position of the Trust for the period to 1 May, 2022.

The report advised that (1) at the start of the current financial year the balance held within AET was £4,459,429.08 and those monies were invested in a mixture of external investments and the Council's Loans Fund, (2) during the period 1 April, 2022 to 31 May, 2022 there had been £18, 470.71 paid out from the AET, (3) expenditure on travel grants and school excursions was increasing and to date grants of over £44,000 had been provisionally awarded for trips due to take place in the current financial year, (4) applications for further education grants were normally received after the start of the academic year so only a relatively small amount had been awarded as at 31 May, 2022, (5) the preference grants and school prizes were normally paid out annually at the financial year end, (7) in the period to 31 May, 2022 £3,099.00 had been received in dividends, and (8) interest from the Loans Fund would be calculated and allocated later in the financial year.

Having considered Members' comment with regard to the donation from the Robb's Trust, the Sub-Committee **agreed** to note the financial position of the Aberdeenshire Educational Trust as at 31 May, 2022, as detailed in the report.

#### 6. ABERDEENSHIRE EDUCATIONAL TRUST (AET) – GRANT FUNDING AWARDS

With reference to the Minute of the Meeting of 3 December, 2021 (Item 5), when it had been agreed that any applications outwith travel and further education awards be presented to the Trustee Representatives for approval at their quarterly meetings, there had been circulated a report dated 13 June, 2022 by the Director of Business Services, which sought consideration of 4 applications received for the period from 1

March, 2022 to 10 June, 2022 for grant funding from the Aberdeenshire Educational Trust.

The Sub-Committee **agreed** to approve the applications received for grant funding from the Aberdeenshire Educational Trust (AET) for the period from 1 March, 2022 to 10 June, 2022, as detailed in Appendix 1 to the report.

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## **REPORT TO ABERDEENSHIRE EDUCATIONAL TRUST SUB-COMMITTEE – 9 SEPTEMBER 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 to 31 August 2022.

#### **1.2 The Sub-Committee is recommended to:**

**1.2.1 Note the financial position of the Aberdeenshire Educational Trust at 31 August 2022; and**

**1.2.2 Agree that the Travel, Further Education grants are increased to £609 and the School Excursion grant is increased to £1,218.**

#### **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 19 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 the AET was £4,459,429.08. These monies are invested in a mixture of external investments and the Council's Loans Fund.

3.3 In the period from 1 April 2022 to 31 August 2022 £45,649.26 has been paid out in grants 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.

	<b>2022/23</b>	<b>2021/22</b>	<b>2020/21</b>
	To 31 August	To 31 March	To 31 March
<b>Trust Scheme Section</b>	<b>£</b>	<b>£</b>	<b>£</b>
20 – Post Graduate Scholarship	0.00	1,021.99	0.00
21 – Supplementary Bursary	0.00	716.23	0.00
24 – Travel Grants	28,263.71	13,237.00	586.20
25 – Further Education	10,836.93	50,033.41	39,835.72
27 – Sports Facilities	0.00	26,354.47	0.00
28 – Special Equipment	0.00	89,739.95	103,650.00
30 – School Excursions	6,548.62	3,009.75	317.61
Preference Grants	0.00	3,728.75	3,728.75
School Prizes	0.00	614.63	614.63
	<b>45,649.26</b>	<b>188,456.18</b>	<b>148,732.91</b>

- 3.4 Applications for travel grants and school excursions are increasing, to date grants of over £21,000 have been provisionally awarded for trips due to take place in the current financial year. Grants are not paid until the trip has taken place.
- 3.5 Applications for further education grants are normally received after the start of the academic year so although only a relatively small amount has been awarded at 31 August 2022 it is anticipated that demand will continue to rise.
- 3.6 Further applications have been received and are to be considered on this agenda, the total amount requested is £35,571.98.
- 3.7 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.
- 3.8 At its meeting on 11 March 2022, Trustees agreed to the use of Trust funds to pay for external legal advisors to help modernise the Trust. Morton Fraser have been appointed and an initial meeting has been scheduled with them to agree a timeline which will include mutually agreeable dates for Trustees to meet with them.
- 3.9 The level of grant awarded for Travel, Further Education and School Excursions is reviewed annually in line with the Retail Price Index (RPI) at July. The RPI has increased by 12.3% from July 2021. Using this method, the maximum grant will increase from £542 to £609 for Travel and Further Education and from £1,084 to £1,218 for School Excursions.
- 3.10 In the period to 31 August 2022, £28,610 has been received in dividends. Interest of £4,480 was received for the period April to July 2022 and is higher than previous years due to increasing interest rates. Dividends from the external investments are received throughout the year and fluctuate according to market conditions.



Type of Income	2022/23	2021/22	2020/21
	To 31 August	To 31 March	To 31 March
	£	£	£
Interest received from Council's Loans Fund	4,480.00	1,351.57	4,840.74
Dividends Received	28,610.00	88,681.11	80,133.80
Donation from the Robb Trust	0.00	20,000.00	21,246.95
	<b>33,090.00</b>	<b>110,032.68</b>	<b>106,221.49</b>

- 3.11 If all the applications on this agenda are awarded the total expenditure, either paid or committed, will be £116,564.62. The annual income is expected to be similar to the previous two financial years. It is difficult to predict the demand for grants, but it is probable that balances from previous years will be required to meet the shortfall.

#### 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 recommendations are agreed.

Subject	Yes	No	N/A
Financial		x	
Staffing			x
Equalities and Fairer Duty Scotland			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 29/08/2022