

21 May 2025

To:- **Councillors Connolly (Chair), Clark, Cullen, Davis, Dixon, Grant, Hunter, Kilbride and Shields.**

All other Members for INFORMATION ONLY

Dear Councillor

CABINET

You are requested to participate in a meeting of the Cabinet to be held **on Wednesday, 28 May 2025 at 10.00 a.m.** for the purpose of considering the undernoted business.

This meeting will be held in the County Hall, County Buildings, Ayr on a hybrid basis for Elected Members, will be live-streamed and available to view at <https://south-ayrshire.public-i.tv/>

Yours sincerely

CATRIONA CAVES
Chief Governance Officer

B U S I N E S S

1. Declarations of Interest.
2. Minutes of previous meeting of 29 April 2025 (copy herewith).
3. Decision Log -
 - (a) Overdue Action – *none*;
 - (b) Actions Listed with Revised Dates – for approval; and
 - (c) Recently Completed Actions.(copies herewith).
- 4(a)/

4. Economic Development.

- (a) Coastal Communities Fund 2025/2026 – Submit report by the Director of Communities and Transformation (copy herewith).

5. Health and Social Care.

- (a) Return Visit by the Care Inspectorate to Cunningham Place Children's House – Submit report by the Head of Children's Health, Care and Justice (copy herewith).

6. Finance, HR and ICT.

- (a) Policy - Generative Artificial Intelligence – Submit report by the Director of Communities and Transformation (copy herewith).

- (b) Additional Resources – Social Care Support Finance – Revenues and Benefits Services – Submit report by the Chief Financial Officer (Members Only).**

7. Consideration of Disclosure of the above confidential report.

For more information on any of the items on this agenda, please telephone
Andrew Gibson, Committee Services on at 01292 272360, at Wellington Square, Ayr or
e-mail: committee.services@south-ayrshire.gov.uk
www.south-ayrshire.gov.uk

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CABINET

Minutes of a hybrid webcast meeting on 29 April 2025 at 10.00 a.m.

Present

in County Councillors Bob Pollock (Chair), Alec Clark, Brian Connolly, Ian Davis,
Hall: William Grant, Hugh Hunter and Bob Shields.

Apologies: Councillors Martin Dowey and Martin Kilbride.

Also

Present

in County

Hall: Councillor Julie Dettbarn (in attendance for item 3 only) and I. Gall and G. Laird (in attendance for item 5 only).

Apologies: D. Gemmell, H. McGuire, N. Fullard, A. Ingram and L. Donnelly.

Attending

in County

Hall: M. Newall, Chief Executive; L. McRoberts, Depute Chief Executive and Director of Education; K. Braidwood, Director of Housing, Operations and Development; J. Bradley, Director of Communities and Transformation; C. Caves, Chief Governance Officer; T. Baulk, Chief Financial Officer; S. Mulholland, Assistant Director – Education; C. Cox, Assistant Director – Planning and Development; G. Hunter, Assistant Director – Communities; K. Anderson, Assistant Director – Corporate Policy, Strategy and Performance; L. Reid, Assistant Director – Transformation; T. Burns, Service Lead – Asset Management and Community Asset Transfer; C. Carroll, Service Lead – Housing Strategy and Regeneration; J. Tait, Service Lead – Thriving Communities; S. Rodger, Acting Service Lead – Risk and Safety; S. McCardie, Service Lead - Performance, Community Planning and Sustainability; S. Yeardley, Transformation Co-ordinator (Assets); J. Corrie, C. Knappe and D. Manson, Ayrshire Roads Alliance; G. Hoey, Chief Social Work Officer; L. Duncan, Chief Finance Officer, Health and Social Care; A. Gibson, Committee Services Officer; and E. Moore, Committee Services Assistant.

Attending

Remotely: C. McGhee, Chief Internal Auditor.

Opening Remarks.

The Chair took the sederunt, confirmed to Members the procedures to conduct this meeting and advised that the meeting was being broadcast live.

1. Declarations of Interest.

There were no declarations of interest by Members of the Cabinet in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

2. Minutes of previous meeting.

The minutes of 18 March 2025 (issued) were submitted and approved.

3. Call-in from the Cabinet of 18 March 2025 - Ayr Parking Consultation and General Parking Review.

With reference to the call-in from the Cabinet on 18 March 2025 relating to the Ayr Parking Consultation and General Parking Review and its subsequent consideration at the Audit and Governance Panel on 26 March 2025; and having heard the Chair of the Audit and Governance Panel and the Portfolio Holder for Economic Development in further explanation, the Cabinet

Decided: to agree to uphold the recommendation of the Audit and Governance Panel on 26 March 2025, namely

- (1) that the requested report be referred to full Council for determination within six months, and
- (2) that a members' briefing be held within four weeks to discuss the strategic and political direction of the parking strategy across South Ayrshire, which would inform the requested report.

4. Decision Log.

Having heard the Chief Executive thank Council employees for the delivery of Council services and their valued input, the Cabinet

Decided:

- (1) to note there were no overdue actions;
- (2) to approve the actions listed with revised due dates; and
- (3) to note the recently completed actions.

Education.

5. HMIE National Thematic Inspection.

There was submitted a report (issued) of 17 April 2025 by the Depute Chief Executive and Director of Education advising of the outcome of HMIE National Thematic Inspection of local authority approaches to school improvement.

Following discussion regarding the importance of parental engagement and working with Head Teachers and having considered the contents of the National report by Education Scotland, as contained in Appendix 1 of the report, the Cabinet

Decided:

- (1) to note the practice examples from South Ayrshire, as contained in the National thematic report; and
- (2) to note the detailed report on approaches to school improvement in South Ayrshire, as contained in Appendix 2 of the report and that recommendations would form future improvement planning within the Directorate.

Economic Development.

6. Accessible Ayr Active Travel.

There was submitted a report (issued) of 17 April 2025 by the Director of Housing, Operations and Development providing an update on the progress of the Accessible Ayr project and seeking approval for officers to complete Stage 4 technical design work on a phased basis in line with current funding scenarios.

Following discussion, including public consultation, the Cabinet

Decided:

- (1) to note that funding of £778,780 had been granted by Sustrans to South Ayrshire Council to progress with Stage 4 technical design Phase 1 in 2024/25;
- (2) to note that further funding applications had been submitted, as detailed in paragraph 6.6 Table 1 of the report;
- (3) to request that officers engage with all funding partners to explore the possibility of amalgamating the two projects (Accessible Ayr and the Burns Statue Regeneration) with a view to reducing the Council's financial contribution;
- (4) to approve this report and to continue to commit to supporting Accessible Ayr Active Travel project; and
- (5) that a Members Briefing be held, within three months in relation to the possible amalgamation of the Accessible Ayr project and Burns Statue project and the future progress of the projects.

7. **Road Improvement Plan 2025-2026.**

There was submitted a report (issued) of 17 April 2025 by the Head of Housing, Operations and Development seeking approval for the 2025/26 Road Improvement Plan for carriageway, footways, street lighting and other related infrastructure improvements.

Following discussion on timer transport funding and the materials used for repairs, the Cabinet

Decided: to approve

- (1) the road improvement plan for 2025/2026, as contained in Appendix 1 of the report; and
- (2) the Carriageway and Footway Programme for 2025/2026, as contained within Appendix 1 of the report.

Corporate and Strategic.

8. **Strategic Risk Management.**

There was submitted a report (issued) of 17 April 2025 by Chief Governance Officer providing an update on the reviewed Strategic Risk Register (Appendix 1) in line with the agreed reporting framework.

Having considered the reviewed Strategic Risk Register, as detailed in Appendix 1 of the report updated by Chief Officers and following discussion on various risks arising therefrom, the Cabinet

Decided:

- (1) to note the sixteen key risks and to endorse the work currently being undertaken or proposed by risk owners to mitigate these risks; and
- (2) that a Members Briefing be held, as soon as practically possible, on the Prevent risk.

Corporate and Strategic/Finance, HR and ICT.

9. **Request from the Service and Partnerships Performance Panel of 11 March 2025 to Cabinet.**

Decided: to agree the request of the Service and Partnerships Performance Panel of 11 March 2025, when considering the report relating to Shaping our Future Council, that reporting frequency on progress of transformation activity to that Panel, be increased from yearly to six-monthly.

Health and Social Care.

10. Equality Outcomes

There was submitted a report (issued) of 17 April 2025 by the Depute Chief Executive and Director of Education seeking approval of the Draft Equality Outcomes and Mainstreaming Progress Report 2025 (incorporating the Workforce Monitoring Report), Ayrshire Shared Equality Outcomes 2021-2025 Final Progress Report and new South Ayrshire Equality Outcomes for 2025-2029.

The Cabinet

Decided: to approve

- (1) the Draft Equality Outcomes and Mainstreaming Progress report 2025 for South Ayrshire Council, Education Authority and Licensing Board incorporating the workforce monitoring report (Appendix 1);
- (2) the final progress report for the Ayrshire Shared Outcomes 2021-2025 (Appendix 2); and
- (3) the new South Ayrshire Equality Outcomes for 2025-2029 (Appendix 3).

11. South Ayrshire Health and Social Care Partnership – Social Care Charging Policy.

There was submitted a report (issued) of 17 April 2025 by the Director of Health and Social Care Partnership presenting a new Social Care Charging Policy for approval reflecting national guidance.

The Cabinet

Decided:

- (1) to approve the Social Care Charging Policy (Appendix 1);
- (2) to note exemptions from social care charges in line with COSLA guidance; the final progress report for the Ayrshire Shared Outcomes 2021-2025 (Appendix 2);
- (3) to note the calculation of the minimum charging threshold for non-residential charges in line with COSLA national guidance in Section 4.7 of the report;
- (4) to approve the % taper applied to any residual income to calculate the maximum charge for non-residential charges in Section 4.8 of the report was set in line with state pension qualifying age and over or below state pension qualifying age;
- (5) to note the financial assessment process for calculating contributions to residential care homes follows Charging for Residential Accommodation national guidance; and
- (6) to note that the Social Care Charging Policy (Appendix 4) residential care home rate would be updated following approval of the National Care Home Contract rate for 2025-26.

Health and Social Care/Buildings and Environment.

12. Scheme of Assistance 2025-2029.

There was submitted a report (issued) of 17 April 2025 by the Depute Chief Executive and Director of Education seeking approval of a revised Scheme of Assistance for homeowners and private tenants.

Having noted that responses to previously asked questions from an individual Member to officers would be passed to all Members, the Cabinet

Decided:

- (1) to approve the revised Scheme of Assistance 2025 – 2029, attached as Appendix 1 of the report; and
- (2) that yearly update reports be provided to the Service and Partnerships Performance Panel.

Adjournment.

The time being 11.30 a.m., the Cabinet agreed to adjourn for twenty minutes.

Resumption of meeting

The Cabinet resumed at 11.50 a.m.

13. Exclusion of press and public.

The Cabinet resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, that the press and public be excluded during consideration of the remaining items of business on the grounds that they involved the likely disclosure of exempt information in terms of paragraphs 1, 8 and 9 of Part 1 of Schedule 7A of the Act.

Health and Social Care.

14. Practice Development Team Service Redesign.

There was submitted a report (Members only) of 17 April 2025 by the Chief Social Work Officer outlining the proposed model for the Practice Development Team under the auspices of the South Ayrshire Council Service Redesign Framework.

Following discussion, the Cabinet

Decided: to approve the proposed changes to the Practice Development Team Structure as outlined in Section 4 of the report, and as below:-

- (1) the proposals outlined a redesign to the team that would require an investment of an additional £0.100m, increasing staff numbers within the team and redefining roles and responsibilities, as outlined in Section 6.1 of the report;

- (2) the implementation of this model would, when fully implemented, realise annual efficiencies of £0.172m. which would be achieved by bringing externally provided training in-house, outlined in Section 6.2 of the report; and
- (3) in moving to the new structure there were severance costs of £0.084m. funded from the Council's workforce change fund in line with the current criteria for access to the fund, as stated in the Council's Financial Regulations.

Tourism Culture and Rural Affairs/Buildings, Housing and Environment.

15. Changes to Tenancy and Management Arrangements at Loudoun Hall, Ayr; Dailly Community Centre, Dailly; and Ivy Cottage, Troon

There was submitted a joint report (Members only) of 23 April 2025 by the Director of Communities and Transformation and the Director of Housing, Operations and Development seeking approval of proposed changes to the management and tenancy arrangements at Loudoun Hall, Ayr; Dailly Community Centre, Dailly; and Ivy Cottage, Troon.

The Cabinet

Decided:

- (1) to request that officers progress and conclude a five year Full Repair and Insurance lease with the existing tenant of Ivy Cottage, Troon;
- (2) to approve termination of the Council's Lease at Loudoun Hall, Ayr; and
- (3) to agree that officers progress the process towards termination of the Council's lease at Dailly Community Centre in consultation with the Dailly Community Council and appropriate Dailly community organisations with a view to the Council terminating its lease in 2028.

16. Consideration of Disclosure of the above confidential reports.

Decided:

- (1) to authorise under Standing Order 32.4 disclosure of the report, in accordance with GDPR requirements:-
 - Practice Development Team Service Redesign; and
- (2) to authorise under Standing Order 32.4 disclosure of the report in part, at such time as appropriate and in accordance with GDPR requirements:-
 - Changes to Tenancy and Management Arrangements at Loudoun Hall, Ayr, Dailly Community Centre, Dailly and Ivy Cottage, Troon.

The meeting ended at 12.20 p.m.

Mtg	Mtg Date	Title of Report	Directorate	Managed by	Implementation	Complete	Current Due Date	Requested Revised Due Date	Notes (any date changes agreed with relevant PFH(s))	Portfolio Holder
CAB	18/03/2025	UK Shared Prosperity Funding (UKSPF) Year 4	["CT"]	Hunter, George	Year 4 Progress Report to Service and Partnerships Performance Panel	No	30/06/2026	26/08/2025	Deferred to August	Pollock, Bob
CAB	21/01/2025	Consultation Response on National Park for Galloway	["CT"]	Hunter, George	Report on the findings of the consultation and potential next steps	No	31/05/2025	26/08/2025	Naturescot have yet to consult with the Scotgov Ministers on any proposals. So nothing has been released for further review on proposals. Moved to later in year as a result	Clark, Alec; Pollock, Bob
CAB	21/01/2025	Property Maintenance – Multiskilling and Structure Implementation	["HOD"]	Andrew, William	Implement approved Property Maintenance Structure and Multiskilling Project	No	30/04/2025	30/06/2025	Multiskilling training is under way. At the Cabinet meeting on the 18th March 2025, it was agreed that the current due date of 07/03/2025 be amended to 30/04/2025. 15/5/25 - we have fully implemented full structure change and have 48 employees fully trained and working on multiskilling projects, we only have premier trades of Plumbers / Joiners and Electricians to complete training which will all be completed for 30 June 2025"	Kilbride, Martin

Mtg	Mtg Date	Title of Report	Directorate	Managed by	Implementation	Complete	Current Due Date	Requested Revised Due Date	Notes (any date changes agreed with relevant PFH(s))	Portfolio Holder
SAC	01/03/2023	LDP2 Supplementary Guidance Site Design Brief: South East Ayr	["HOD"]	Iles, Craig	Consultation on the draft document will be held from March 2023. The results of this and a finalised version of the Design Brief Supplementary Guidance will be taken back to Council in June 2023	No	30/04/2025	16/12/2025	At the Cabinet meeting on the 21st January 2025, it was agreed that the current due date of 12/12/2024 be amended to 30/04/2025.	Pollock, Bob

Mtg	Mtg Date	Title of Report	Directorate	Managed by	Implementation	Complete	Current Due Date	Requested Revised Due Date	Notes (any date changes agreed with relevant PFH(s))	Portfolio Holder
CAB	29/04/2025	Strategic Risk Management	["CEO"]	Rodger, Stephanie	Adopt recommended approach to Strategic Risk Management	Yes	30/04/2025			Dowey, Martin
CAB	29/04/2025	Equality Outcomes	["DCEX"]	McCardie, Susan	Publish the Equality Outcomes and Mainstreaming Report 2025, final report on the Ayrshire Shared Outcomes (2021-2025) and new Equality Outcomes (2025-2029) on Council website.	Yes	30/04/2025			Hunter, Hugh
CAB	29/04/2025	South Ayrshire Health and Social Care Partnership - Social Care Charging Policy	["CEO"]	Gemmell, Nicola	Implement Charging Policy	Yes	01/05/2025			Hunter, Hugh
SAC	12/12/2024	Proposed Public Realm and Redevelopment at Y	["HOD"]	Braidwood, Kevin	Submit a further report with an update on the project including results of traffic modelling and a Y Draft Development Plan	Yes	30/04/2025		Report was presented at Full Council 15/05/2025	Dowey, Martin; Pollock, Bob; Davis, Ian

Mtg	Mtg Date	Title of Report	Directorate	Managed by	Implementation	Complete	Current Due Date	Requested Revised Due Date	Notes (any date changes agreed with relevant PFH(s))	Portfolio Holder
CAB	27/08/2024	Accessible Ayr Phasing	["HOD"]	Corrie, Jane	Implement the recommendations within this report and proceed with Stage 4 detailed design based on the preferred option	Yes	29/04/2025		At the Cabinet meeting on the 29th March 2025, it was agreed that the current due date of 31/03/2025 be amended to 29/04/2025. Report presented to cabinet on 29/4/25	Pollock, Bob
CAB	27/08/2024	Accessible Ayr Phasing	["HOD"]	Corrie, Jane	Report to the Cabinet with an update on completion of the design work and advising on the steps to complete the project	Yes	29/04/2025		At the Cabinet meeting on the 29th March 2025, it was agreed that the current due date of 31/03/2025 be amended to 29/04/2025. Report presented to cabinet on 29/4/25	Pollock, Bob

Mtg	Mtg Date	Title of Report	Directorate	Managed by	Implementation	Complete	Current Due Date	Requested Revised Due Date	Notes (any date changes agreed with relevant PFH(s))	Portfolio Holder
CAB	20/06/2023	Budget Management – Revenue Budgetary Control 2022/23 – Out-turn Statement at 31 March 2023	["HOD"]	Cox, Chris	Complete the review of Common Good Funds to address the deteriorating financial position.	Yes	26/06/2025		<p>Briefing held with Cabinet leading to some further changes being progressed to bring forward report to June Council.</p> <p>Report drafted however Financial detail being added to enable a report to go to Council March 2025</p> <p>At the Cabinet meeting on the 21st January 2025, it was agreed that the current due date of 12/12/2024 be amended to 06/03/2025.</p> <p>Paper drafted but deferred at Portfolio Holder request given late submission of report</p> <p>At the Cabinet meeting on the 18th March 2025, it was agreed that the current due date of 06/03/2025 be amended to 26/06/2025.</p>	Davis, Ian

South Ayrshire Council

**Report by Director of Communities and Transformation
to Cabinet
of 28 May 2025**

Subject: Coastal Communities Fund 2025/2026

1. Purpose

- 1.1 The purpose of this report is to seek approval to amend the process for the awarding of Coastal Communities Funding (from Crown Estate net revenues from 24/25). From which, SAC can allocate funding during for 2025/26.

2. Recommendation

- 2.1 **It is recommended that the Cabinet approves the amended process for the awarding of Coastal Communities Funding during the financial year 2025/2026.**

3. Background

- 3.1 In January 2020, the Leadership Panel approved the eligibility criteria, principles, and priorities for accessing funds from the Scottish Crown Estate Net Revenue Allocation as awarded to the Council by Scottish Ministers.
- 3.2 There is an expectation that the Council will use the funding to ensure that it specifically benefits our coastal communities which is defined as 'Coastal settlements including seaside towns, ports and other areas which have a clear connection to the coastal economy'.
- 3.3 Since 2020, the Council has awarded the Coastal Communities funding through a grant application process and, subject to compliance with the eligibility criteria, delegated authority to the Director to approve any allocation.
- 3.4 The Council has been awarded £140,623.46 from the Scottish Crown Estate Net Revenue Allocation from the financial year 2024/2025. From which, the Council can allocate to appropriate activity during the financial year 2025/2026.

4. Proposals

- 4.1 Scottish ministers' expectation is that the Council will use the funding to ensure that it specifically benefits our coastal communities. The Council is responsible for making decisions on the funding of projects that benefit our coastal communities whilst at the same time being transparent and accountable to those communities and others for the expenditure made.

- 4.2 The eligibility criteria, funding principles and funding priorities remain the same. As do the priorities identified and approved within the report which were projects that would:
- support improvements in productivity in the coastal economy through projects that support the outputs and performance of coastal businesses;
 - provide support for evidence of demand and do not duplicate provision funding elsewhere;
 - address seasonality by creating new patterns of demand for tourism, establishing unique selling points and distinctive market niches in the visitor economy across a greater proportion of the year;
 - deliver improvements to public places that will increase the number of visitors, generate direct and indirect employment opportunities, and make coastal communities more attractive places to live and work; and
 - support the delivery of jobs and economic growth through integrated regeneration initiatives which include, where appropriate, addressing the issues of flooding, coastal erosion, risk management or bathing water quality which threaten the development of the coastal economy.
- 4.3 This year, rather than putting in place an application process, it is proposed that the fund is used to deliver and/ or enhance a range of projects and initiatives that have already been identified and which would meet the above priorities. This would include enhancing the Community Empowerment Fund, Destination South Ayrshire Priorities and Destination South Ayrshire Tourism Grants.
- 4.4 Details of all projects and initiatives will be published on the Council's website outlining the associated community benefits.

5. Legal and Procurement Implications

- 5.1 There are no legal issues arising from this report.
- 5.2 There are no procurement issues arising from this report.

6. Financial Implications

- 6.1 The Council has been awarded £140,623.46 from the Scottish Crown Estate Net Revenue Allocation for financial year 2025/26 – this is from revenue generated by Crown Estates during 24/25 but can be spent allocated within current year. Annual allocations in future years will depend on the net revenue generated by Scottish Crown Estate marine asset operations.

7. Human Resources Implications

- 7.1 Coastal Communities funding will be delivered from across services within the Communities and Transformation Directorate.

8. Risk

8.1 Risk Implications of Adopting the Recommendations

8.1.1 There are no risks associated with adopting the recommendations.

8.2 Risk Implications of Rejecting the Recommendations

8.2.1 The Council may not be able to deliver the range of projects and initiatives that have been identified and which meet the appropriate criteria.

9. Integrated Impact Assessment (incorporating Equalities)

9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required at this stage.

10. Sustainable Development Implications

10.1 **Considering Strategic Environmental Assessment (SEA)** - This report does not propose or seek approval for a plan, policy, programme, or strategy or document otherwise described which could be considered to constitute a plan, programme, policy, or strategy.

11. Options Appraisal

11.1 An options appraisal has not been carried out in relation to the subject matter of this report. The proposals considered fit with existing Council strategies and priorities.

12. Link to Council Plan

12.1 The matters referred to in this report contribute to Priority 2 of the Council Plan: Live, Work, Learn / Work, and the economy.

13. Link to Shaping Our Future Council Yes ☐ No ☒

13.1 Not applicable.

14. Results of Consultation

14.1 There has been no public consultation on the contents of this report.

14.2 Consultation has taken place with Councillor Bob Pollock, Portfolio Holder for Economic Development, and the contents of this report reflect any feedback provided.

15. Next Steps for Decision Tracking Purposes

- 15.1 If the recommendations above are approved by Members, the Director of Communities and Transformation will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Cabinet in the 'Council and Cabinet Decision Log' at each of its meetings until such time as the decision is fully implemented:

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Progress funding and delivery of Coastal Communities projects	December 2025	Assistant Director - Communities

Background Papers Report to Leadership Panel of 21 January 2020 - [Scottish Crown Estate Net Revenue Allocation - Eligibility Criteria, Principles and Priorities](#)

Person to Contact George Hunter, Assistant Director - Communities
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Date: 14 May 2025

South Ayrshire Council

**Report by Head of Children's Health, Care and Justice
to Cabinet
of 28 May 2025**

Subject: Return Visit by the Care Inspectorate to Cunningham Place Children's House

1. Purpose

- 1.1 The purpose of this report is to inform the Cabinet what the findings were following the return unannounced visit by the Care Inspectorate on Cunningham Place Children's House. This return inspection was carried out by two Inspectors from the Care Inspectorate on 29 January 2025. Telephone calls and email correspondence were also carried to stakeholders in relation to the young people who reside at Cunningham Place.

2. Recommendation

2.1 It is recommended that the Cabinet:

- 2.1.1 reflects upon the key messages from the most recent Inspection report; and**
- 2.1.2 acknowledges the Health and Social Care Partnership progress in delivering on the required Improvement Action Plan and be assured of the resulting improvement work.**

3. Background

- 3.1 In June 2024 the Care Inspectorate undertook an unannounced inspection on Cunningham Place Children's Residential House. The finding of the Inspection was a 'weak' report with clear improvement requirements and recommendations detailed in the report. This initial Care Inspectorate report has been previously presented to the Performance and Audit Committee and Service Partnership Performance Panel with a commitment to bring back the Care Inspectorate's findings on improvement activity as and when they returned.
- 3.2 As a means of follow up on the initial Inspection of June 2024, the Care Inspectorate returned to Cunningham Place Children's House on 29 January 2025 in another unannounced visit. The inspection was in person and was carried out by two Inspectors to assure themselves that there was meaningful progress around the requirements and recommendations made. Feedback was provided on 11 February 2025.

- 3.3 The Care Inspectorate staff spoke with four young people who stay at Cunningham Place. They also spoke with staff, management, the senior management team and representatives from social services and advocacy services. To inform the inspection further, they reviewed survey responses received from staff and external professionals, observed practice and daily life in the House through being present and reviewed key documents.

The overall inspection assessed the House against the quality indicator; ***'How well do we support children and young people's rights and wellbeing?'***

4. Proposals

- 4.1 For the purpose of this report, it is proposed that the Cabinet be assured of the progress made in delivering on the Requirements and Recommendations of the Care Inspectorate's initial Inspection report dated June 2024:

- 4.1.1 The Care Inspectorate unannounced visit in January 2025 noted key messages.
- 4.1.2 Young people were making good progress through their plans, and this included the service supporting young people under continuing care arrangements.
- 4.1.3 Staff training plans had been significantly developed to ensure staff received training in child protection, adult protection, trauma-informed practice and children's rights.
- 4.1.4 The staff and leadership team were working hard to embed training within the service's ethos and culture to ensure children and young people received rights based, trauma- informed care.
- 4.1.5 The staff and leadership team had developed internal information sharing systems and improved staff communication to ensure young people were kept safe.
- 4.1.6 The leadership team had taken decisive action to improve service delivery and were knowledgeable about aspects of the service which were working well and areas requiring further development.

4.2 Requirement 1

The provider must ensure that all staff have had relevant training. This is to ensure young people receive safe and consistent care. The provider must:

- 4.2.1 Ensure all staff have undertaken up-to-date child and adult protection training.
- 4.2.2 Ensure all staff have undertaken training in relation to trauma-informed practice.
- 4.2.3 Ensure all staff have undertaken training in relation to children's rights.

- 4.2.4 Develop a plan detailing how the service plans to embed a trauma-informed model of care within its ethos and culture.
- 4.2.5 Develop a plan detailing how the service plans to embed a children's rights based approach within its ethos and culture.
- 4.2.6 Identify effective and clear strategies to support children and young people.

Update on Requirement 1 from Care Inspectorate

- 4.2.7 Inspectors said it was pleasing to see that all staff had completed child protection training and trauma training, with those not able to attend due to absence being prioritised and scheduled.
- 4.2.8 Inspectors also stated it was pleasing to have some staff trained in adult support and protection. This is an area that previously has been deficient due to the age group of the young people, but is now an area of training and development, which reflects the changing demographic of the residents ages.
- 4.2.9 It was also said by Inspectors that it was pleasing to see that staff had completed Children's Rights training, which is in line with current UNCRC guidelines and legislation.
- 4.2.10 Inspectors said it was pleasing to see that the service plans reflected the positive developments within the House and that children's rights were being implemented and positively supported an ethos and culture.
- 4.2.11 Although the Inspectors said that the culture was more positive and progress was being made, it would take time to embed fully. In that respect it was acknowledged that although great strides had been made to address the requirement, it would take time to be met.
- 4.2.12 The Inspectors acknowledged that the service continued to review care plans but would also need to further develop using the SMART tool (specific, measurable, achievable, relevant and timebound). Indications were that the system needed to be SMART- er.
- 4.2.13 All risk assessments are now up to date for each individual young person. This is another area where Inspectors acknowledged progress, but again felt that further development was needed. It was expressed that the effectiveness of service plans, training and personal development would need time to embed.
- 4.2.14 **Requirement 1 was not met** (due to the need for further time to evidence the embedding of culture change in Cunningham Place).

4.3 Requirement 2

By 30 August 2024, the provider must ensure that there is effective leadership to provide structure and support to the staff team. This is to ensure young people's needs are met and they are kept safe. To do this, the provider must, at a minimum:

- 4.3.1 Ensure there is an experienced manager present within the service to prioritise the needs of the young people.
- 4.3.2 Develop and implement the service's improvement plan to address the culture within the service to create a supportive and open learning culture within the team.
- 4.3.3 Ensure that staff benefit from regular advice and guidance.
- 4.3.4 Ensure that information is shared effectively within the team.
- 4.3.5 Ensure that incident recording includes important detail and is accurately recorded.
- 4.3.6 Ensure that staff are debriefed following an incident to support staff to reflect on their practice and how to best support the young people.
- 4.3.7 Ensure that staff receive regular and effective supervision to reflect on their practice and identify areas of practice for further development.

Update on Requirement 2 from Care Inspectorate

- 4.3.8 The Inspectors were pleased to see that an experienced Residential Care Manager was now in place at Cunningham Place. It was felt that this had a beneficial effect on both staff and children who stay there.
- 4.3.9 Inspectors expressed that it was pleasing to see that an improvement plan had been developed, implemented, continually revisited, and improved upon within the service. It also encouraged an open learning culture within the service.
- 4.3.10 Inspectors also said it was pleasing that the service had continued to build on progress made since the last inspection. They found that the staff team had benefited from regular advice and guidance both formally and informally. This included discussions with managers, colleagues, formal training, and team meetings with a management presence.
- 4.3.11 Inspectors stated that it was pleasing to see that all staff felt they had benefited from the culture of formal and informal advice and information sharing.
- 4.3.12 It was further stated that it was pleasing that the service had continued to build on progress made since the last inspection. They found that handover processes and recording had helped support information sharing. They found that the staff team had also benefited from building relationships within the team which supported effective information sharing processes.
- 4.3.13 Inspectors said it was pleasing to see that incident recordings were clear and included discussions with young people, and management follow up. The service had an up-to-date overview of incidents to support analysis, management oversight and quality assurance.
- 4.3.14 In terms of Briefs and Debriefs taking place, the Inspectors said they were happy that this is an area of positive progress.

4.3.15 The Inspectors were pleased in the evidence of staff supervision, and the further development of supervision for all staff, from manager to senior staff and senior staff to residential staff.

4.3.16 **Requirement 2 was met.**

4.4 **Requirement 3**

With immediate effect, the provider must ensure that to support effective scrutiny of the service, notifications are submitted in accordance with guidance, and that sufficient detail is added to accurately reflect the incident and provide assurance to the Care Inspectorate that the service is responding appropriately.

Update on Requirement 3 from Care Inspectorate

4.4.1 Requirement 3 was in relation to notifiable incidents to the Care Inspectorate. They felt that the quality of incident reporting was not what it could have been and wanted training and development of this within the service. Below is an extract from the report.

'We found that all incidents which were notifiable to the Care Inspectorate had been notified. It was pleasing to see that notification training to staff was in the process of being updated to reflect current guidance, and that quality assurance processes to review notifications had been implemented'.

4.4.2 **Requirement 3 was met.**

4.5 **Requirement 4**

By 30 August 2024, the provider must ensure that there is the correct number of suitably qualified and competent staff on shift.

Update on Requirement 4 from Care Inspectorate

4.5.1 Requirement 4 was highlighted as an area for improvement in relation to staff and staffing of the service. Below is an extract from the report:

'It was pleasing that the service had continued to build on progress made since the last inspection. We found that the service had continued to implement gradual changes to staffing teams to ensure the correct number of suitably qualified staff on shift, with a mix of skills and experience. Whilst we found the service had experienced some staffing pressures, this was mitigated, and the service was actively recruiting.

We found that the service was continuing to develop their staffing needs assessment, which informed ongoing decisions regarding staffing. During the inspection we, provided feedback on how to continue to develop the quality of this, including ensuring that these were SMART (specific, measurable, achievable, relevant, timebound)'.

4.5.2 **Requirement 4 was met.**

4.6 Areas for Improvement

Area for Improvement 1

In order to ensure young people have the service that is right for them, the provider should ensure that decisions about admissions are fully informed by a robust, clearly evidenced assessment and matching process.

This is to ensure that care and support is consistent with the Health and Social Care Standards (HSCS) which state that: ‘*My care and support meets my needs and is right for me*’ (HSCS 1.19) and ‘*I am in the right place to experience the care and support I need and want*’ (HSCS 1.20).

4.6.1 Below is the feedback from the Inspectors.

‘It was pleasing to see that the service had continued to build on progress since the last inspection. We found that admissions and matching assessments were completed, and that there was some detail regarding support young people required. During the inspection, we provided feedback on how to continue to develop the quality of admissions and matching assessments including capturing the views of children and detailing analysis.

We found that the service supported young people’s transitions to Cunningham Place. This included convening consideration meetings to ensure young people’s support was planned, where possible. It was pleasing to see that there were plans to continue to develop this area of practice, including reviewing paperwork and convening regular meetings during the periods young people were settling into the house.’

4.6.2 **Area for improvement 1 was met.**

Area for Improvement 2

To promote high quality care and support for all young people within a culture of continuous improvement, the provider should ensure that robust quality assurance processes are in place to promote improved outcomes for young people.

This is to ensure that care and support is consistent with the Health and Social Care Standards (HSCS) which state that: ‘*I benefit from a culture of continuous improvement, with the organisation having robust and transparent quality assurance processes*’

4.6.3 In response to this area for improvement the Inspectors found that the service had some quality assurance processes in place. However, there was limited evidence of quality assurance processes in place for all aspects of service delivery which included management and external management oversight. The care inspectors provided feedback on further development of this during the inspection. The inspectors felt it was pleasing to see that the service was looking to develop practice in this area further. Due to the limited evidence and limited amount of quality assurance tools and processes, which are being further developed and implemented, this area of improvement has not been met at this time.

4.6.4 **Area for Improvement 2 was not met at this time.**

5. Legal and Procurement Implications

5.1 There are no legal implications arising from this report.

5.2 There are no procurement implications arising from this report.

6. Financial Implications

6.1 Not applicable.

7. Human Resources Implications

7.1 Not applicable.

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

8.1.1 There are no risks associated with adopting the recommendations.

8.2 *Risk Implications of Rejecting the Recommendations*

8.2.1 Rejecting the recommendations will have a negative impact on the achievement of the following strategic outcomes within the Service and Improvement Plan for the Health and Social Care Partnership. Namely; ***‘Improving outcomes for care experienced children and care leavers’*** and ***‘building communities in which people feel safe and are safe’*** and ***‘being evidence-informed and driven by continuous performance improvement’***.

8.2.2 If the recommendations above are approved, the Head of Children’s Health, Care and Justice will ensure that all necessary steps are taken to ensure full implementation of the requirements and recommendations from the Care Inspectorate.

9. Integrated Impact Assessment (incorporating Equalities)

9.1 The proposals in this report allow scrutiny of performance. The report does not involve proposals for policies, strategies, procedures, processes, financial decisions and activities (including service delivery), both new and at review, that affect the Council’s communities and employees, therefore an Integrated Impact Assessment is not required.

10. Sustainable Development Implications

10.1 ***Considering Strategic Environmental Assessment (SEA)*** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

11. Options Appraisal

- 11.1 An options appraisal has not been carried out in relation to the subject matter of this report. This report relates to an inspection and the scrutiny of performance and the progress made. There is no requirement for an options appraisal.

12. Link to Council Plan

- 12.1 The matters referred to in this report contribute to all three priority areas of the Council Plan, particularly focus on wellbeing, improving life chances and reducing inequalities.
- 12.2 The matters referred to in this report contribute to Priority 2 & 3 of the Children Services Plan 2020-23 ***‘Tackling inequalities’*** and ***‘Love and support for our Care Experienced young People and Young Carers’***. As well as ***‘Health and care systems that meet people’s needs’*** and ***‘Improving outcomes for care experienced children and care leavers’***.

13. Link to Shaping Our Future Council Yes ☐ No ☒

- 13.1 The matters referred to in this report contribute to the Council’s transformation priority area(s): our workforce; our assets; our delivery model and will ensure that deliver quantitative benefits.

14. Results of Consultation

- 14.1 There has been no public consultation on the contents of this report.
- 14.2 Consultation has taken place with Councillor Hugh Hunter, Portfolio Holder for Health and Social Care, and the contents of this report reflect any feedback provided.

15. Next Steps for Decision Tracking Purposes

- 15.1 If the recommendations above are approved by Members, the Head of Children’s Health, Care and Justice will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Cabinet in the ‘Council and Cabinet Decision Log’ at each of its meetings until such time as the decision is fully implemented:

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
To continue to deliver on the requirements and recommendations which the Care Inspectorate were not able to say that they have been met	January 2026	Head of Children’s, Health Care and Justice

Background Papers [Care Inspectorate Inspection Reports](#)

Report to Cabinet of 29 October 2024 - [Unannounced Inspection of Cunningham Place Children’s House](#)

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Date: 14 May 2025

South Ayrshire Council

**Report by Director of Communities and Transformation
to Cabinet
of 28 May 2025**

Subject: Policy – Generative Artificial Intelligence

1. Purpose

- 1.1 The purpose of the report is to seek approval for an operational Policy for the ethical and responsible use of Generative Artificial Intelligence at South Ayrshire Council.

2. Recommendation

2.1 It is recommended that the Cabinet:

- 2.1.1 notes the work progressed by officers to develop proposals for the Council's use and governance of Generative Artificial intelligence;**
- 2.1.2 approves the Policy for Generative Artificial Intelligence at Appendix 1; and**
- 2.1.3 agrees the Policy will be reviewed in 6 months time.**

3. Background

- 3.1 On 6 March 2024, the Council approved a new approach to transformation 'Shaping Our Future Council' (SOFC) and the focus on four key priority areas: our workforce; our technology; our assets and our delivery model.
- 3.2 A number of projects are progressing within the transformation portfolio that support the embedding of new technologies to enhance the way service users, residents, and businesses interact with the Council. Opportunities for utilising Artificial Intelligence (AI) have been identified.
- 3.3 South Ayrshire Council's Digital and ICT Strategy 2023-2028 further sets out our ambitions for using digital, information and technology to deliver better outcomes for our citizens, communities and Council staff.
- 3.4 Artificial Intelligence (AI) is the ability of machines or software to perform tasks that would normally require human intelligence. It can process data, learn from it and make decisions or predictions based on that data. Whilst AI offers possibilities and opportunities for service delivery, it also brings new technological risks. There are also challenges and ethical considerations, such as ensuring data privacy and avoiding bias and discrimination to consider.

- 3.5 Generative Artificial Intelligence (Gen AI) is a specialised form of AI that learns from data about existing artifacts in order to generate new variations of content. This can include images, video, music, speech and text.
- 3.6 It is the capabilities of Gen AI, particularly the ability to generate language, that create potential applications and benefits to South Ayrshire Council. These range from delivering efficiency savings to supporting our teachers and learners in schools.
- 3.7 Gen AI tools are not guaranteed to be 100% accurate as they are generally designed only to produce highly plausible and coherent results. They rely on the accuracy and quality of the data they consume to produce their outputs, and this means that they can, and do, make errors.
- 3.8 Officers have worked with industry bodies including the Scottish Local Government Digital Office, the Society for Innovation Technology and Modernisation and other Councils to develop a policy for the use of Generative Artificial Intelligence that ensures a balance between embracing the opportunities that Gen AI brings, providing regulatory oversight and ensuring that the Council's use of Gen AI is ethical, responsible, complies with all applicable laws and regulations and complements its existing data protection and ICT security policies including the Council's ICT Acceptable Use Policy (AUP).
- 3.9 The Policy also recognises that, as Gen AI is still a technology that is rapidly developing and maturing, this Policy should be reviewed regularly to ensure its purpose is still met.

4. Proposals

- 4.1 The Cabinet is asked to:
- 4.1.1 note the work progressed by officers to develop proposals for the Council's use and governance of Generative Artificial Intelligence;
 - 4.1.2 approve the Policy for Generative Artificial Intelligence at Appendix 1; and
 - 4.1.3 agree that the Policy will be reviewed in 6 months' time.

5. Legal and Procurement Implications

- 5.1 There are no legal implications within this report.
- 5.1 There are no procurement implications within this report.

6. Financial Implications

- 6.1 Not applicable.

7. Human Resources Implications

- 7.1 Not applicable.

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

8.1.1 There are no risks in adopting the recommendations within this report.

8.2 *Risk Implications of Rejecting the Recommendations*

8.2.1 Key risks to the Council from not having a Policy covering the ethical and responsible use of Gen AI include legal, financial, reputational and operational risks.

8.2.2 If the recommendations are rejected, the Council will be unable to benefit from opportunities afforded by Generative AI.

9. Integrated Impact Assessment (incorporating Equalities)

9.1 An Integrated Impact Assessment is not required as the policy set out in this report is intended to provide operational and technical guidance.

9.2 An Integrated Impact Assessment (IIA), completed by the Service who wishes to introduce the Gen AI solution, will be required for all digital solutions introduced to South Ayrshire Council which use this technology.

9.3 An Equality Impact Assessment was undertaken when developing the Digital and ICT Strategy 2023 to 2028. This assessment highlighted key impacts may exist for older people, low-income groups and those with a disability.

9.4 Deploying Generative AI solutions doesn't materially change the impacts previously identified for the Digital and ICT Strategy, therefore these will remain as an area of focus and consideration as we look to maximise the capabilities available through Gen AI.

10. Sustainable Development Implications

10.1 ***Considering Strategic Environmental Assessment (SEA)*** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

11. Options Appraisal

11.1 An options appraisal has been carried out in relation to the subject matter of this report. The following table summarises which options were considered and their ranking of preference:

<i>Option</i>	<i>Description</i>	<i>Ranking</i>
1. Approve the Policy for Generative AI.	This option allows the Council to consider the ethical and responsible introduction of Gen AI solutions to the Council where they can be shown to improve the efficiency and effectiveness of Council services	1 Preferred option

Option	Description	Ranking
2. Do nothing	This option introduces an unacceptable level of legal, financial, reputational and operational risk to the Council.	2 Discounted

12. Link to Council Plan

- 12.1 The matters referred to in this report contribute to all three priority areas within the Council Plan: • Spaces and Places; • Live, Work and Learn; and • Civic and Community Pride.

13. Link to Shaping Our Future Council Yes ☒ No ☐

- 13.1 The matters referred to in this report contribute to the Council's Transformation priority area: Our Technology.

14. Results of Consultation

- 14.1 There has been no public consultation on the contents of this report.
- 14.2 Consultation has taken place with Councillor Ian Davis, Portfolio Holder for Finance, Human Resources and ICT, and the contents of this report reflect any feedback provided.
- 14.3 Consultation has also take place with the Trade Unions and the contents of this report reflect any feedback provided.

15. Next Steps for Decision Tracking Purposes

- 15.1 If the recommendations above are approved by Members, the Director of Communities and Transformation will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Cabinet in the 'Council and Cabinet Decision Log' at each of its meetings until such time as the decision is fully implemented:

Implementation	Due date	Managed by
Communicate new policy to Senior Leadership team, Service Leads and Coordinators/Team Leaders.	August 2025	Service Lead – Transformation
Review Generative Artificial Intelligence Policy	March 2026	Service Lead – Transformation

Background Papers None

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Date: 14 May 2025

Policy – Generative Artificial Intelligence (Gen AI)

A policy governing the use and application of Gen AI

April 2025



Document information

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1. Introduction

Artificial Intelligence (AI) is the ability of machines or software to perform tasks that would normally require human intelligence. It can process data, learn from it and make decisions or predictions based on that data. AI encompasses many different types of systems and approaches to harnessing machine intelligence, including rule-based AI, machine learning, neural networks, natural language processing and robotics.

Generative Artificial Intelligence (Gen AI) is a specialised form of AI that learns from data about existing artifacts in order to generate new variations of content. This can include images, video, music, speech and text. With regards to text, the type of Gen AI that uses ‘deep learning’ techniques and massively large data sets to understand, summarise, generate and predict text-based content is known as a Large Language Models or LLM.

It is these capabilities, particularly the ability to generate language, which has captured the public imagination and creates potential applications, ranging from delivering efficiency savings to supporting our teachers and learners in schools, within South Ayrshire Council.

While the potential benefits are substantial, there are also challenges and ethical considerations, such as ensuring data privacy and avoiding bias and discrimination. Gen AI tools are not guaranteed to be 100% accurate as they are generally designed only to produce highly plausible and coherent results. They rely on the accuracy and quality of the data they consume to produce their outputs, and this means that they can, and do, make errors. Any organisation using Gen AI needs to employ techniques to increase the relevance and correctness of their outputs and have a process in place to test them.

2. Purpose

Gen AI technology is now appearing within the tools, systems and processes used by the Council often as part of upgrades or updates. While this new capability brings exciting new ways of working it also brings significant risks and regulatory oversight of these must be understood and mitigated if the Council is to adopt Gen AI, where appropriate, in a safe and secure manner.

The purpose of this Policy is to ensure that staff are fully aware of the rules and risks concerning the use of Generative Artificial Intelligence (Gen AI) by Council employees, contractors, developers, vendors, temporary staff, consultants or other third parties, (‘users’).

The Policy provides a framework for the use of Gen AI. It is designed to ensure that the Council’s use of Gen AI is ethical, responsible, complies with all applicable laws and regulations and complements its existing data protection and ICT security policies including the Council’s ICT Acceptable Use Policy (AUP).

The pace of development and application of Gen AI is such that this policy will be in a constant state of development and should be reviewed on an annual basis.

The Scottish Local Government Digital Office is also considering developing a Gen AI policy for all local authorities. While the timescales for a national policy don’t currently support our deployment plans, the intention would be that our Policy, as presented here, would be brought into alignment with any emerging policy during a future review.

3. Scope

The Policy provides a framework for the use of Gen AI only. It includes the Large Language Model types of Gen AI but does not provide any rules or guidance for the use of other types of AI.

This Policy applies to all Councillors, employees, contractors, developers, vendors, temporary staff, consultants or other third parties (referred to as 'users'). Furthermore, it applies to third parties carrying out work on the Council's behalf or accessing its information systems.

4. Roles and Responsibilities

All Directors, Assistant Directors, Service Leads and Coordinators/Team Leaders will be responsible for ensuring that the Policy is applied consistently and that existing employees who will/may use Gen AI are fully aware of the Policy and their responsibilities with regards to the use of it.

Similarly, as part of the induction process, any employee who will/may use Gen AI in their role must also be made fully aware of the Policy.

Service Leads and Coordinators/Team Leaders are responsible for discussing the Policy with their staff to ensure the content is understood.

The Transformation Delivery Group (TDG), which includes but is not limited to Transformation, Information Governance, ICT Operations and Internal Audit, are responsible for approving the use of any Gen AI solution being considered by the Council.

Employees who will/may use Gen AI are responsible for reading the Policy and should ensure any concerns or queries are raised with Service Leads/Coordinators/Team Leaders prior using Gen AI systems.

5. Usage

This policy applies to all users with access to Gen AI, whether through Council-owned devices or BYOD (Bring Your Own Device) in pursuit of Council activities.

Use of Gen AI must be in a manner that promotes fairness and avoids bias to prevent discrimination and promote equal treatment and be in such a way as to contribute positively to the Council's goals and values.

Users may use Gen AI for work-related purposes subject to adherence to this policy. This includes tasks such as generating text or content for reports, emails, presentations, images and customer service communications. Materials created using Gen AI should be annotated as such.

Particular attention should be given to Governance, Data Protection, Vendor practices, Copyright, Accuracy, Confidentiality, Disclosure and Integration with other tools as noted below.

5.1. Governance

To ensure the continued security and protection of Council data, and before accessing or commissioning any new Gen AI technology or service, users must first notify the Council's Information Governance and ICT Operations teams of their intention to use, the reason for use, and the expected information to be input as well as the generated output and distribution of content. Consideration must be given to how any personal data will be protected and testing completed to minimise any bias in data.

A Data Protection Impact Assessment (DPIA) and cyber security review must be completed, as outlined in existing Council policies and procedures. In line with these procedures, approval will be required from the Council's Transformation Delivery Group (TDG) prior to the use of any Gen AI. The TDG will consider representation from Information Governance, Procurement, Information Security and ICT Operations in their approval process.

An Integrated Impact Assessment (IIA), completed by the Service who wishes to introduce the Gen AI solution, will also be required for implementations of all Council solutions which use Gen AI technology.

Details of Council approved and operational Gen AI solutions will be maintained on an internal register to provide visibility and oversight of their use across the Council. This will be managed by the Portfolio Management Office (PMO). Operational solutions must also be published on [Scottish AI Register](#) to comply with the requirements of the Scottish Government.

The Scottish AI Register provides information about the AI systems that are currently in use or in development within the Scottish public sector. It aims to promote transparency and trust by allowing the public to learn about these AI systems, understand their purposes, and provide feedback. It's part of Scotland's broader effort to develop ethical and inclusive AI systems.

5.2. Data Protection

Where Gen AI is processing personal data; providing automated decision making and/or profiling individuals, the risks around compliance with data protection laws must be fully considered. Information Governance will provide advice and support to services who are undertaking assessments of introducing Gen AI technology or services.

A Data Protection Impact Assessment (DPIA) is a mandatory process used to identify and minimise the risks of personal data privacy when a service is implementing a new process or policy. The use of Gen AI to process personal data will require the completion of a full DPIA to consider these risks. Information on the Council's DPIA procedures are available at [Data Protection Impact Assessment](#).

As with all personal data processed by the Council, any personal data processed through Gen AI must comply with UK GDPR and the Data Protection Act 2018, which includes the sharing of personal data with third parties and provision of information into the public domain.

Any release of private/personal information without an appropriate DPIA and a consideration of the legal basis under data protection law to do so, will result in a breach of relevant data protection laws which may result in enforcement actions from the UK Information Commissioner's Office (ICO).

5.3. Vendors

Any use of Gen AI technology in pursuit of Council activities should be done with full acknowledgement of the policies, practices, terms and conditions of developers/vendors.

5.4. Copyright

Users must adhere to copyright laws when utilising Gen AI. It is prohibited to use Gen AI to generate content that infringes upon the intellectual property rights of others, including but not limited to copyrighted material.

If a user is unsure whether a particular output generated by Gen AI constitutes copyright infringement then they should contact a legal advisor or Information Governance Team before using it.

5.5. Accuracy

All information generated by Gen AI must be reviewed and edited for accuracy prior to use. Users of Gen AI are personally responsible for reviewing output and are accountable for ensuring the accuracy of Gen AI generated output before use/release.

If a user has any doubt about the accuracy of information generated by Gen AI, they should not use Gen AI.

5.6. Confidentiality

Until a DPIA has been completed and the Gen AI has been approved as secure by Information Governance and ICT Operations, then confidential and personal information must not be entered into a Gen AI tool as information may enter the public domain. Users must follow all applicable data privacy laws and existing Council policies when using Gen AI.

If a user has any doubt about the confidentiality of information generated by Gen AI then they should not use this output.

5.7. Ethical Use

Gen AI must be used ethically and in compliance with all applicable legislation, regulations and organisational policies. Users must not use Gen AI to generate content that is discriminatory, offensive, or inappropriate.

If there are any doubts about the appropriateness of using Gen AI in a particular situation, users should consult with their supervisor or Information Governance Team.

5.8. Disclosure

Content produced via Gen AI must be identified and disclosed as containing Gen AI-generated information.

5.9. Integration with other tools

API and plugin tools enable access to Gen AI and extend functionality for other services to improve automation and productivity outputs. Users should follow OpenAI's Safety Best Practices and implement safety measures such as moderation and human oversight. This should include:

- Adversarial testing;
- Human in the loop (HITL);
- Prompt engineering;
- "Know your customer" (KYC);
- Constrain user input and limit output tokens;
- Allowing users to report issues; and
- Understand and communicate limitations.

API and plugin tools must be rigorously tested for:

- Moderation – to ensure the model properly handles hate, discriminatory, threatening, etc. inputs appropriately.
- Factual responses – provide a ground of truth for the API and review responses accordingly.

6. Risks

Use of Gen AI carry inherent risks. A comprehensive Information Security risk assessment should be conducted in collaboration with Information Security using their defined processes and templates for any project or process where the use of Gen AI are proposed. The risk assessment should consider potential impacts including: legal compliance; bias and discrimination; security (including technical protections and security certifications); and data sovereignty and protection.

A DPIA is a mandatory requirement when considering the introduction of Gen AI into the processing of personal data. Information Governance will provide support and guidance to Services regarding the DPIA process and provide guidance on compliance with data protection laws.

6.1. Legal compliance

Consideration should be given to the possibility that data entered into public Gen AI may enter the public domain. Public Gen AI includes, but is not limited to, ChatGPT, Bard, Copilot (in Edge) and Gemini and these can release non-public information and breach regulatory requirements, customer or vendor contracts, or compromise intellectual property.

To protect the Council from this risk the presumption in the Council's corporate environment is that these particular Gen AI should not be used. Exceptions will, however, be considered in Education where it can be shown that sensitive personal information is not being used and the Gen AI contributes to positive education outcomes.

Use of Gen AI to compile content may also infringe on regulations for the protection of intellectual property rights and users should ensure that their use of any Gen AI complies with all applicable laws and regulations and with Council policies.

6.2. Bias and discrimination

Gen AI may make use of and generate biased, discriminatory or offensive content. Users should use Gen AI responsibly and ethically, in compliance with Council policies and applicable laws and regulations.

Where personal data is being processed for the purpose of automated decision making or profiling by Gen AI, appropriate measures must be implemented by a Service to ensure individuals have a right of appeal on decisions. This will be considered as part of the required DPIA process.

If a user believes a particular output generated by Gen AI is biased, discriminatory or offensive then this should be reported to Information Governance and ICT Operations.

6.3. Security

Gen AI may store sensitive data and information, which could be at risk of being breached or hacked. The Council must assess technical protections and security certification of Gen AI before use.

Due to the complex nature of Gen AI you should avoid processing personal data in public Gen AI. It is imperative that, unless approved, no personal data or commercially sensitive data is made available to Gen AI solutions.

All Gen AI solutions must be assessed technically by the ICT Operations to ensure that information is protected, and security managed before use. The technical assessment will be completed using the information provided in the DPIA.

If a user has any doubt about the security of information input into Gen AI, they should not use Gen AI.

6.4. Data hosting

While a Gen AI platform may be hosted internationally, consideration must be given to ensuring such hosting complies with the relevant regulations and laws the Council must comply with. For example, information created or collected in the originating country will remain under jurisdiction of that country's laws. The reverse also applies. If information is sourced from Gen AI hosted overseas, the laws of the source country regarding its use and access may apply.

Gen AI service providers should be assessed for data sovereignty practice by ICT Operations and Information Governance prior to using their Gen AI.

UK Data Protection laws govern the transfers of personal data to processors and organisations located outside the UK. Risks relating to the processing of personal data outwith the UK must be considered and managed through the DPIA process.

7. Compliance

Any violations of this policy should be reported to the Council's ICT Service Desk in the first instance or senior management.

Failure to comply with this policy may result in disciplinary action, in accordance with Council's Human Resources policies and procedures.

8. Review

This policy will be reviewed periodically and updated as necessary to ensure continued compliance with all applicable legislation, regulations and organisational policies.

9. Acknowledgment

By using Gen AI, users acknowledge that they have read and understood these guidelines, including the risks associated with the use of Gen AI.

10. Forms and links with other Policies

Related forms and contact us:

- [Data Protection Impact Assessment](#)
- [Contact Transformation](#)

Internal policies and strategies linked to this Policy include:

- [Digital and ICT Strategy 2023-2028](#)
- [ICT Security Policy](#) and [ICT Acceptable Use Policy](#)
- [Data Protection Policy](#)

External policies and strategies linked to this Policy include:

- Copyright, Designs and Patents Act 1988
- UK General Data Protection Regulation
- Data Protection Act 2018
- Equality Act 2010 (Public Sector Equality Duty)

11. Glossary of definitions for the purpose of this Policy

Term	Definition
Adversarial testing	A method used to evaluate machine learning models by intentionally providing them with malicious or harmful inputs to see how they respond. The goal is to identify vulnerabilities and improve the model's robustness and safety.
Application Programming Interface (API)	A set of definitions and protocols that enables data transmission between software solutions.
Bring Your Own Device (BYOD)	Refers to a policy where employees or external partners use their personal devices, such as laptops, smartphones, or tablets, to access Council networks, systems, and data.
Data Protection Impact Assessment (DPIA)	The process carried out on projects/changes involving personal data to help ensure compliance with data protection legislation and embed 'privacy by design'.
Deep learning	A subset of machine learning where systems 'learn' to detect features that are not explicitly labelled in the data.
Human in the loop (HITL)	Refers to a model where human interaction is integrated into the AI system's decision-making process. This approach combines the strengths of both human intelligence and machine learning to create more accurate and reliable outcomes.
Generative Artificial Intelligence (GenAI)	A form of artificial intelligence (AI) that generates text, images, or other media in response to prompts.
Know your customer	Refers to the use of artificial intelligence technologies to enhance the process of verifying the identity of customers and understanding their behaviours, preferences, and needs.
Large Language Models (LLM)	Refers to the number of parameters the model can change autonomously as it 'learns'.
Neural networks	Computational models inspired by the human brain's structure and function
Plugins	A software component that adds a specific feature to an existing solution.
Prompt engineering	Involves designing and refining the inputs (prompts) given to generative AI models to produce desired outputs. This process is crucial for ensuring that AI systems understand and respond accurately to various queries.
Query	A request for data or information from a database table or combination of tables.