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For all enquiries relating to this agenda please contact Rebecca Barrett
(Tel: 01443 864245   Email: barrerm@caerphilly.gov.uk)

Date: 27th September 2017

Dear Sir/Madam,

A meeting of the **Policy and Resources Scrutiny Committee** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach** on **Tuesday, 3rd October, 2017** at **5.30 pm** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided if requested.

Yours faithfully,

Chris Burns

Chris Burns
INTERIM CHIEF EXECUTIVE

A G E N D A

Pages

1   To receive apologies for absence.

2   Declarations of Interest.

Councillors and Officers are reminded of their responsibility to declare any personal and/or prejudicial interest(s) in respect of any business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

To approve and sign the following minutes: -

3   Policy and Resources Scrutiny Committee held on 18th July 2017.

1 - 8

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Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat

4   Consideration of any matter referred to this Committee in accordance with the call-in procedure.

5   To receive a verbal report by the Cabinet Member(s).

6   Policy and Resources Scrutiny Committee Forward Work Programme.

7   To receive and consider the following Cabinet Reports*: -

1. Corporate Risk Monitoring - 19th July 2017;
2. Review of Housing Service Charges - 19th July 2017;
3. Cabinet Forward Work Programme - 19th July 2017;
4. Works to Facilitate the Disposal of the Pontllanfraith House Site **-** 6th September 2017;
5. Write-Off of Debts Over £20,000 - NNDR Arrears for Ltd Companies - 6th September 2017;
6. Write-Off of Debts Over £20,000 - NNDR Arrears (EXEMPT) - 6th September 2017;
7. Updated Anti-Fraud, Bribery and Corruption Policy and Updated Anti-Money Laundering Policy - 20th September 2017;
8. Demolition of Oakdale and Pontllanfraith Comprehensive Schools - 20th September 2017.

If a member of the Scrutiny Committee wishes for any of the above Cabinet reports to be brought forward for review at the meeting please contact Rebecca Barrett, 01443 864245, by 10.00 a.m. on Monday, 2nd October 2017.

 To receive and consider the following Scrutiny reports:-

8   Data Protection Reform.

9   Dynamic Purchasing System for the Provision of General Builders.

Circulation:
Councillors M.A. Adams, Mrs E.M. Aldworth, K. Dawson, K. Etheridge, Mrs C. Forehead,
Miss E. Forehead, L. Harding, G. Kirby, C.P. Mann, Mrs D. Price (Vice Chair), J. Pritchard (Chair),
J. Ridgewell, R. Saralis, Mrs M.E. Sargent, J. Taylor and L.G. Whittle

And Appropriate Officers

POLICY AND RESOURCES SCRUTINY COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON TUESDAY, 18TH JULY 2017 AT 5.30 P.M.

PRESENT:

Councillor J. Pritchard - Chair

Councillors:

M. Adams, K. Etheridge, Miss E. Forehead, L. Harding, G. Kirby, C.P. Mann, R. Saralis, Mrs M.E. Sargent, J. Taylor, L.G. Whittle

Cabinet Members:

C. Gordon (Corporate Services), Mrs L. Phipps (Homes and Places)

Together with:

C. Harrhy (Corporate Director - Communities), S. Couzens (Chief Housing Officer), P. Smythe (Housing Repair Operation Manager), A. Hiscox (Housing Manager), S. Cousins (Principal Housing Officer - Housing Portfolio), C. Davies (Principal Housing Officer), E. Sullivan (Interim Scrutiny Officer) and R. Barrett (Committee Services Officer)

Also present:

Mr C. Davies and Mrs S. Jones (Tenant Representatives - Caerphilly Homes Task Group)

1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs E.M. Aldworth, K. Dawson, Mrs C. Forehead, J. Ridgewell, Mrs D. Price (Vice Chair) and Mrs B. Jones (Cabinet Member for Finance, Performance and Governance), together with N. Scammell (Acting Director of Corporate Services and Section 151 Officer).

2. **DECLARATIONS OF INTEREST**

Mrs E. Sullivan declared an interest in Agenda Item 8 (Review of Housing Service Charges). Details are minuted with the respective item.

3. **MINUTES - 6TH JUNE 2017**

> RESOLVED that the minutes of the Policy and Resources Scrutiny Committee held on 6th June 2017 (minute nos. 1 - 10) be approved as a correct record and signed by the Chair.

4. **CALL-IN PROCEDURE**

There had been no matters referred to the Scrutiny Committee in accordance with the call-in procedure.

5. **REPORT OF THE CABINET MEMBERS**

The Scrutiny Committee received verbal reports from Councillors C. Gordon and Mrs L. Phipps, and noted the contents of the report from Councillor Mrs B. Jones, which had been circulated to Members in advance of the meeting. Questions and comments were invited on the contents of the reports.

Councillor C. Gordon (Cabinet Member for Corporate Services) reported on recent developments across Human Resources (HR), including annual leave payments arising from recent holiday pay legislation, resolution of the equal pay claim litigation, early discussions relating to HR collaboration across the five Gwent local authorities, details of a staff survey, and staff involvement in recent tourism events across the county borough.

Members were informed of several key activities across IT and Central Services, including the implementation of the new WCCIS IT system for Social Services, ongoing work regarding potential IT collaboration, and preparation for the General Data Protection Regulation. The Scrutiny Committee were pleased to note positive user comments received by the Customer Services Team, and of Procurement Services' involvement in the completion of Islwyn High. The Cabinet Member added that as part of his new portfolio, he had recently visited the Customer Services Centres and had also met with HR, Communications and trade union staff.

Discussion took place regarding the staff survey participation levels and response rate (26%), with Members advised that a response rate exceeding 25% is classed as "good". This is the first survey of its kind for several years, with over 9000 Council employees surveyed, and the results will be reported to the Policy and Resources Scrutiny Committee in due course. A Member queried whether the response rate could have been higher if sent to school staff, and it was explained that this particular survey only relates to non school-based employees.

Reference was also made to potential collaborative working in relation to HR and IT Services, with it noted that discussions for the HR Service are at a very early stage. It was explained that the potential for the Council to join a Greater Gwent collaborative IT service is currently being assessed, and a meeting has been held with staff to address their concerns. The Council are due to meet with Newport counterparts to view examples of how a shared service can be established, and it is intended for a report on this matter to be brought to the Scrutiny Committee in the autumn.

Councillor Mrs L. Phipps (Cabinet Member for Homes and Places) presented her report and also referred to the new Islwyn High school, which had been designed by the Building Consultancy team, and had been completed within budget and on time. The Cabinet Member outlined the WHQS progress made against Caerphilly Homes, with the Rowan Place internal and external works nearing completion. Members were referred to two reports relating to the WHQS scheme due to be presented later in the evening, and were asked to note that to date internal improvements have been delivered to 5874 properties and external works to 1320 properties, which results in over 60% of the housing stock having benefitted from certain elements of this programme. It is anticipated for the number of fully WHQS compliant

properties to significantly increase during 2017/18, as both internal and external contracts are planned for completion within the same community areas.

Members were informed that the Cabinet Member, Officers, representatives of the Caerphilly Homes Task Group, and Housing Partners, recently visited a number of existing and future affordable housing schemes, for which Welsh Government is making funding available. The Council's Housing Division has also secured external funding for affordable housing totaling just over £16m for development through the county borough over the next four years.

The Scrutiny Committee were advised of a recent WAO review of the Council's arrangements for delivering the WHQS programme. A response to the recommendations made by WAO is currently being drafted for consideration by Cabinet. The Cabinet Member also referred to the external insulation cladding used in the refurbishment of Council homes and confirmed that it meets all necessary building and safety standards. This information has been relayed to staff and the public by the Communications Unit.

Discussion took place regarding the WHQS works and a Member relayed the concerns raised by some contractors over the continued funding of the programme. Officers confirmed that there is sufficient funding in place to allow for the completion of all internal and external works. Members were reminded that any contractor issues are taken to the WHQS Project Board and that contingencies are also in place to deal with any such issues. The Scrutiny Committee were encouraged to contact the Cabinet Member with any queries or concerns regarding the WHQS programme. Members also held a discussion on the need to improve the availability of affordable housing in the county borough.

The Cabinet Members present were thanked for their reports.

6. **POLICY AND RESOURCES SCRUTINY COMMITTEE FORWARD WORK PROGRAMME**

Emma Sullivan (Interim Scrutiny Officer) presented the report, which outlined details of the Policy and Resources Scrutiny Committee Forward Work Programme (FWP).

Members were advised that the FWP included all reports agreed at the meeting held on 6th June 2017 and at the Scrutiny Committee workshop on 28th June 2017, and outlined the reports planned for the period July 2017 to July 2018. Members were asked to consider the FWP alongside the Cabinet Work Programme as appended to the report and to suggest any changes.

Discussion took place regarding the items listed on the Forward Work Programme. It was agreed that the Wales Audit Office - WHQS Review report listed on the FWP be scheduled for 3rd October 2017, and that Local Housing Strategy be added to the FWP under date to be confirmed.

It was agreed that subject to the foregoing amendments, the Policy and Resources Scrutiny Committee Forward Work Programme be published on the Council's website.

7. **CABINET REPORTS**

None of the Cabinet reports listed on the agenda had been called forward for discussion at the meeting.

REPORTS OF OFFICERS

Consideration was given to the following reports.

8.   **REVIEW OF HOUSING SERVICE CHARGES**

Emma Sullivan (Interim Scrutiny Officer) declared a personal interest in this item, having a family member who is a tenant in sheltered housing accommodation within the borough.

Shaun Couzens (Chief Housing Officer) and Angela Hiscox (Housing Manager) presented the report, which had previously been considered by the Caerphilly Homes Task Group on 6th July 2017. The report sought the views of the Scrutiny Committee on a review of how service charges are collected within Sheltered Housing, and the need to review service charges for General Needs accommodation, prior to its presentation to Cabinet.

Officers explained that the Housing (Wales) Act 2014 imposed a new duty for local authorities to comply with standards for housing quality, rents and service charges. Local Authorities are required to review the way in which charges for services are claimed to ensure that tenants are only charged for services that they receive. Detailed guidance has not been provided but it is required that service charges fairly reflect costs incurred and be transparent with a detailed breakdown provided to tenants so they can see what they are paying for.

The Authority currently recovers its costs for services it provides to tenants in sheltered housing schemes by smoothing these costs between all tenants within all of the schemes, which is contrary to Welsh Government (WG) policy. It is proposed that, in future, the Authority recovers from tenants the actual cost of providing services in their individual scheme, based on the calculated cost of providing the services in the previous financial year.

A communication and information plan is in place for raising awareness of the proposed changes. Sheltered Housing Officer awareness sessions have been completed and tenants meetings were held in February/March at each scheme, which included discussion around the service charges review and responded to any tenant queries/concerns. Feedback was largely positive and tenants welcomed the opportunity for a breakdown of their service charges based on actual expenditure. There will be further communication to tenants through a range of media sources prior to the implementation of any changes.

To assist existing tenants in adjusting to the changes, transitional arrangements have been proposed for two years following implementation, and thereafter their continuation will be subject to review by Officers. This will include service charge increases being capped during this period so as not to exceed the agreed annual rent increase by more than £1.

Officers provided examples of how the proposed changes could affect the amount payable by tenants, dependent on the service elements provided within their accommodation. It was noted that in order to comply with WG policy, a further report proposing the de-pooling of service charges for general needs tenants will be required.

Mrs S. Jones (Tenant Representative) was invited to the table to present the views of the Caerphilly Homes Task Group. She explained that at their recent meeting, the Task Group recognised that although there may be an impact for some tenants in terms of rent increases, the proposed changes will allow the Authority to provide detailed evidence on actual costs received and enable tenants to make successful claims for financial support in relation to Universal Credit. At that meeting, Officers also responded to concerns about future affordability, and outlined the options and support that will be made available to effected tenants. The Caerphilly Homes Task Group therefore supported the proposals and were in agreement that tenants should receive a detailed breakdown of their service charges.

Members discussed the complexity of introducing the new arrangements and queried how these would be taken forward. Officers acknowledged the challenges that lay ahead and explained that the situation is constantly changing, with an example being the WHQS programme of works, which continues to increase the number of schemes with individual utility metering for tenants. If this cannot be implemented across all schemes, then

alternatives (such as boiler control options for tenants) will be considered in order to meet the new legislation. Officers emphasised the benefits of these new arrangements in that they will be a more accurate and transparent reflection of the services that tenants received.

Discussion took place on whether the arrangements should be phased in over a longer period of time to provide a successful transition, and whether some services on offer could be deleted or relocated to fall under the remit of social care. Officers reiterated the need to implement the new charging regime as soon as possible, and explained that during the consultation process, many of the tenants had expressed a wish to retain the facilities on offer in their schemes (such as laundry services).

Reference was made to the UK government's recent 'Supported Housing Review', which has proposed that from April 2019, all tenants will receive Housing Benefit only up to the Local Housing Allowance limit, with any additional top-up funding required (such as for service charges) being devolved to Welsh Government. Officers explained that until these changes have been confirmed, they are unable to accurately assess the potential impact on tenants of sheltered housing schemes. Officers are due to attend a workshop with other agencies in the near future to discuss the implications of the proposals and seek clarification on the matter.

In response to a Member's query, Officers explained that the maximum service charge for 2017/18 will be £27.35 per week (an increase of £3.86), as the service charge increase will be capped for the two-year transitional period. If capped charges within a scheme reach actual costs during that time, the transitional arrangements for that scheme will end. Members were asked to note that details of the new charging arrangements would be communicated to tenants through a number of avenues. Including social media, the Caerphilly Homes website, notices placed in complexes and visits to tenants (where needed).

Officers also provided clarification regarding the de-pooling of general needs service charges, explaining that the report only covers service charges for sheltered housing accommodation, but that the introduction of service charges for existing tenants and services will be the subject of a report to Members in the near future. As the introduction of service charges for existing tenants would require a review of their tenancy agreement, it is planned for this to coincide with the review that will be required to implement the Renting Homes (Wales) Act 2016.

Following consideration of the report, it was moved and seconded that the following recommendations be referred to Cabinet for approval. By a show of hands, this was unanimously agreed.

RECOMMENDED to Cabinet that:-

(i)   the proposal to charge tenants of sheltered housing schemes the actual costs of providing them with services per scheme be approved;

(ii)   the proposal to introduce transitional arrangements for two years, prior to review, and to cap service charges in line with the rent policy during the transitional period, be approved.

9. **WELLBEING OBJECTIVE WO5 – INVESTMENT IN COUNCIL HOME TO TRANSFORM LIVES AND COMMUNITIES**

Consideration was given to the report, which provided an update in respect of Wellbeing Objective (WO5) for 2016/17 (Investment in Council Homes to Transform Lives and Communities). The report had previously been provided to the Caerphilly Homes Task Group on 6th July 2017 as an information item, and its contents were noted at the meeting.

The Scrutiny Committee noted that the internal works have achieved 2171 completions against a target of 2352 (92%) and the external completions have achieved 921 completions against a target of 3395 (27%). The total number of properties that are fully compliant with WHQS for 2016/17 stands at 270. Although some progress has been made in relation to the completion of external works, this remains significantly behind programme and requires further improvements to be made as a matter of urgency. Full details of the progress made in respect of this Wellbeing Objective were appended to the report.

It was explained that works in relation to energy efficiency and adaptations to meet tenants' specific needs have progressed well during the year. A number of 'core' community benefits have been delivered, although there has been limited progress in relation to the environmental programme. However, tenant satisfaction levels remain high with extremely low levels of complaints. Members were advised that although the programme remains challenging, improved progress has been made and new arrangements have been introduced to ensure momentum is improved to deliver the standard by 2020. Therefore, the Wellbeing Objective for 2016/17 has been assessed as being partially successful.

Discussion took place regarding the completion targets for the remaining years and the achievability of the Welsh Housing Quality Standard by 2020, in view of the slippage for external works over previous years. Officers summarised the contractor issues that have contributed to delays across the external programme of works and outlined the new contractual arrangements that have been put in place, improvements made in surveying, efficiencies introduced through mobile working and increased capacity to improve this momentum. It was explained that the slippage for previous years has been built into the target of 4675 completions for 2017/18 and hence there should be minimal slippage moving forward. Therefore achieving the Welsh Housing Quality Standard by 2020 is still considered to be deliverable.

A Member raised concerns regarding the standard of external works to some Tiryberth properties and rusting to metal roofs at some Bargoed properties. Officers confirmed that they would check whether these are WHQS-related works and respond accordingly. Arising from a discussion on the new "No Access" procedure (where tenants have failed to engage with the Council to allow improvement works to progress) a Member raised a tenant issue regarding the conclusion of WHQS internal works to their home. Officers confirmed that they would look into this matter.

Following consideration of the report and in noting its contents, Members unanimously agreed that the Wellbeing Objective WO5 (Investment in Council Homes to Transform Lives and Communities) be judged as partially successful for 2016/17.

10. YEAR END PERFORMANCE REPORT FOR CAERPHILLY HOMES

Christina Harrhy (Corporate Director – Communities) presented the report, which provided an update on performance of Caerphilly Homes during 2016/17, set out the key service objectives for 2017/18 and highlighted any potential challenges that may affect the delivery of these objectives. The report had previously been provided to the Caerphilly Homes Task Group on 6th July 2017 as an information item, and its contents were noted at the meeting.

Details of performance within each Caerphilly Homes section (Housing Repair Operations, Private Sector Housing, Public Sector Housing and Welsh Housing Quality Standard) together with areas for improvement, key objectives and priorities for the year ahead, and the main risks identified, were summarised within the report.

Members were advised that overall the performance of Caerphilly Homes for 2016/17 is considered to be good, although it is accepted that there are some aspects of the service which require improvement. In addition, a number of challenges have been identified that

have resulted in action plans being developed, which have been incorporated into the 2017/18 service plan. Looking forward, the main challenge relates to Caerphilly Homes' ability to provide a high quality service that meets the needs and aspirations of service users, whilst continuing to satisfy medium term financial plan priorities and changing legislation. However, the service is regarded as well placed to respond to this challenge.

During the course of the ensuing debate, a Member queried what actions would be taken to meet the key objectives for the WHQS section and address the key risks identified for 2017/18. Officers explained that the main risks relate to the capacity to deliver the WHQS programme. However, a number of improvements have been made to procurement arrangements which have resulted in more flexibility to the capacity of the external works programme. The capacity of the internal works is also being maximised via a number of avenues, including the use of in-house services and flexible utilisation of staff across roles.

A Member queried the funding opportunities available for the community improvement programmes listed against the key WHQS service plan objectives for 2017/18. Officers confirmed that although there is sufficient funding in place to proceed with these improvements, they will also be seeking additional sources of funding via energy efficiency schemes such as ARBED.

Discussion took place regarding the reasons for the average end of tenancy void costs (£7430) and the average time taken to let a property (64 days). Officers explained that these figures reflect the WHQS works that have been carried out on void properties, which have contributed towards increased costs and void durations for 2016/17, and of the 729 voids completed by Housing Repair Operations in 2016/17, 144 were improved to WHQS standard.

In noting the completion of the Area Renewal Scheme at Senghenydd, Members placed on record their appreciation to the Private Sector Housing Team, and asked for their thanks to be conveyed to Kenyon Williams (Private Sector Housing Manager), who had recently retired from the Authority. Members also noted the positive percentage of materials recycled by Housing Repair Operations (86.5% against a 80% target).

A Member referred to a delay in the enquiry-to-approval times for Disabled Facilities Grants, Public Sector Adaptations and Minor Works Grants. Officers explained that there had been a backlog of cases due to long-term sickness absence and subsequent workload pressures. However a new appointment has recently been made which should assist in clearing the backlog and improving performance in these areas in future years.

Reference was made to the potential remodelling or redeveloping of a number of sheltered housing schemes, which is a service plan priority for 2017/18. Officers explained that they have identified a number of properties which would benefit from remodelling (mainly hard-to-let properties within the Risca area). These works could involve measures such as converting two properties into one in order to bring them up to the WHQS standard. Discussion also took place regarding a high demand for single person properties and the need to continue to invest and develop in this area.

Following consideration of the report, Members noted its contents, together with the progress made against performance objectives within Caerphilly Homes for 2016/17.

The meeting closed at 7.25 pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 3rd October 2017, they were signed by the Chair.

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CHAIR

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POLICY AND RESOURCES SCRUTINY COMMITTEE – 3RD OCTOBER 2017

SUBJECT: **POLICY AND RESOURCES SCRUTINY COMMITTEE FORWARD WORK PROGRAMME**

REPORT BY: **ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER**

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1.   PURPOSE OF REPORT

1.1   To report the Policy and Resources Scrutiny Committee Forward Work Programme.

2.   SUMMARY

2.1   Forward Work Programmes are essential to ensure that Scrutiny Committee agendas reflect the strategic issues facing the Council and other priorities raised by Members, the public or stakeholders.

3.   LINKS TO STRATEGY

3.1   The operation of scrutiny is required by the Local Government Act 2000 and subsequent Assembly legislation. The Forward Work Programmes contribute to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2016 by ensuring there is an effective scrutiny function and that council policies are scrutinised against the following goals:

•   A prosperous Wales
•   A resilient Wales
•   A healthier Wales
•   A more equal Wales
•   A Wales of cohesive communities
•   A Wales of vibrant culture and thriving Welsh language
•   A globally responsible Wales

4.   THE REPORT

4.1   The Policy and Resources Scrutiny Committee forward work programme includes all reports that were identified at the scrutiny committee meeting on 18th July 2017. The work programme outlines the reports planned for the period October 2017 to July 2018.

4.2   The forward work programme is made up of reports identified by officers and members and has been prioritised into three priority areas, priority 1, 2 or 3. Members are asked to consider the work programme alongside the cabinet work programme and suggest any changes before it is published on the council website. Scrutiny committee will review this work programme at every meeting going forward alongside any changes to the cabinet work programme or report requests.

4.3   The Policy and Resources Scrutiny Committee Forward Work Programme is attached at

Appendix 1. The Cabinet Forward Work Programme is attached at Appendix 2.

5. WELL-BEING OF FUTURE GENERATIONS

5.1   This report contributes to the well-being goals as set out in links to strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in that by ensuring the scrutiny function is effective when reviewing services and policies and ensure it considers the wellbeing goals.

6. EQUALITIES IMPLICATIONS

6.1   There are no specific equalities implications arising as a result of this report.

7. FINANCIAL IMPLICATIONS

7.1   There are no specific financial implications arising as a result of this report.

8. PERSONNEL IMPLICATIONS

8.1   There are no specific personnel implications arising as a result of this report.

9. CONSULTATIONS

9.1   There are no consultation responses that have not been included in this report.

10. RECOMMENDATIONS

10.1   That Members consider any changes and agree the final forward work programme prior to publication.

11. REASONS FOR THE RECOMMENDATIONS

11.1   To improve the operation of scrutiny.

12. STATUTORY POWER

12.1   The Local Government Act 2000.

Author: Emma Sullivan, Scrutiny Officer
Consultees: Gail Williams, Interim Head of Legal Services and Monitoring Officer
                     Nicole Scammell, Acting Director of Corporate Services and Section 151 Officer
                     Catherine Forbes-Thompson, Interim Head of Democratic Services

Appendices:
Appendix 1   Policy and Resources Scrutiny Committee Forward Work Programme.
Appendix 2   Cabinet Work Programme.

Policy & Resources Scrutiny Committee Forward Work Programme June 2017 to June 2018			
Meeting Date: 3rd October 2017			
Subject	**Purpose**	**Key Issues**	**Witnesses**
Data Protection Reform (P3)	To update Members on changes to Data Protection regulations.	To make Members aware of changes to Data Protection regulations and the penalties incurred for any breaches.	Jo Jones Corporate Information Governance Manager
DPS System (P2) – Members Request	To present an update on the DPS system.	To update Members on new procurement processes.	Liz Lucas, Head of Procurement

Policy & Resources Scrutiny Committee Forward Work Programme June 2017 to June 2018			
Meeting Date: 14th November 2017			
Subject	**Purpose**	**Key Issues**	**Witnesses**
Wales Audit Office (WAO) Wales Housing Quality Standard Report (P2)	To advise members on the outcome of the WAO Review of the WHQS Programme	The report will highlight the key findings of the WAO Review, detail the key recommendations and actions to be take by officers to address these.	Wales Audit Office Christina Harrhy – Corporate Director Communities/ Shaun Couzens – Chief Housing Officer
CCBC Sickness Absence (P2) – Members Request	To present an update of the management of sickness absence.	The cost implications, management, monitoring and referral procedures.	Lynne Donovan, Head of HR
Update on Reserves (P2) – Members Request	To present the Scrutiny Committee with details of the usable reserves held by the Authority.	The report will provide detailed information on all usable reserves to ensure that that there is an opportunity for effective scrutiny of the balances held and their intended purpose.	Interim Head of Corporate Finance – Stephen Harris
New Build – Options for Delivery (P1)	To advise Members of the new funding stream for Local Authority house building and to outline a development programme for new build Council homes. The report sets out how we will maximise the funding opportunities available over the next three years and deliver up to 46 new build homes, with an indicative total grant of £3,893,923 and indicative overall investment of £6,713,791. The report also confirms the sites available to develop, and the proposed specification for new build.	To confirm the new build Council Housing programme, including the preferred delivery option in order for the Council to utilise the Affordable Housing Grant funding that has been allocated to CCBC.	Shaun Couzens - Chief Housing Officer/Claire Davies – Principal Housing Officer/ Kevin Fortey – Housing Development Officer

Meeting Date: Special – TBC December 2017

Subject	Purpose	Key Issues	Witnesses
Medium Term Financial Plan (P1)	To present the draft savings proposals for 2018/19.	Members need to consider, scrutinise and then make recommendations in respect of proposed savings for 2018/19.	Nicole Scammell Steve Harris

Meeting Date: 16th January 2018			
Subject	**Purpose**	**Key Issues**	**Witnesses**
Review of Treasury Management Strategy (P2)	To present Members with details of the 2018/19 Treasury Management Strategy, Capital Finance Prudential Indicators and Minimum Revenue Provision policy prior to consideration by Council.	The report will contain details of the following: - ▪ interest rate prospects in both the short-term and longer-term; ▪ the borrowing strategy to fund the General Fund and Housing Revenue Account (HRA) capital programmes; ▪ details of the Annual Investment Strategy; ▪ the Minimum Revenue Provision policy; and ▪ the associated prudential indicators for the three financial years 2018/19 to 2020/21.	Interim Head of Corporate Finance – Stephen Harris
Whole Authority Revenue Budget Monitoring Report 2017/18 (P2)	To inform Members of projected whole-authority revenue budget expenditure for the 2017/18 financial year.	The report will provide information on the position of the whole-authority in respect of revenue budget monitoring for 201718. . Consideration will be given to actual expenditure and income to date. A projection will be made of the likely outturn (year-end) position and where significant variations against budget are identified these will be commented upon.	Interim Head of Corporate Finance – Stephen Harris
WHQS 6 Monthly Programme Update (P2)	To review progress with the implementation of the WHQS Programme	To provide members with a performance update on the delivery of the programme to include total number of properties fully WHQS compliant as well as progress against the individual elements of the programme together with projections for 2020.	Shaun Couzens – Chief Housing Officer Marcus Lloyd – WHQS and infrastructure Strategy Manager.

Meeting Date: 27th February 2018			
Subject	**Purpose**	**Key Issues**	**Witnesses**
Sheltered Housing Schemes, Eastern Valley Area Remodelling (P1)	To provide members with proposals for remodelling a small number of sheltered housing schemes in the eastern valley.	For members to consider a number of options in relation to our sheltered housing schemes which my include improvements remodelling, alternative use an possibly demolition.	Shaun Couzens – Chief Housing Officer/ Fiona Wilkins – Public Sector Housing Manager/Angela Hiscox – Elderly Persons Housing Manager
Care and Repair Merger (P3) – Member Request	This is an information report to provide members with an update on the merger of the Care and Repair Service between Caerphilly and Blaenau Gwent	To update members on how the arrangements for the merger have embedded since its implementation.	Shaun Couzens
Poverty Strategy (P3) – Members Request	To present an update on the Council's policy of tacking poverty.		Rob Hartshorn

Meeting Date: 10th April 2018			
Subject	**Purpose**	**Key Issues**	**Witnesses**
British Telecom – Broadband Coverage and the Digital Profile (P3) – Members Request	To present to an update on progress made providing superfast broadband services to the CCBC area following previous attendance at 28th February 2017 meeting.	Key issues include how the programme is: • Supporting economic growth. • Reducing digital exclusion. Increasing availability of Fibre to the Cabinet (FTTC) services to improve performance and download speeds.	Paul Lewis – Acting Head of IT and Central Services
Disabled Facilities Grant – Performance (P2)	Information report to provide Members with an update regarding Performance Monitoring of Disabled Facilities Grant and the information regarding the implementation of ENABLE.	An update on performance of Disabled Facilities Grants during 2017/18 and highlight any potential challenges that may affect delivery of the Performance Indicator. Identify any areas of improvement linked to the implementation of ENABLE.	Shaun Couzens – Chief Housing Officer/Claire Davies – Principal Housing Officer

Meeting Date: 29th May 2018			
Subject	**Purpose**	**Key Issues**	**Witnesses**

Meeting Date: 10th July 2018			
Subject	**Purpose**	**Key Issues**	**Witnesses**
Year End Performance for Corporate Services 2017/18 (P2)	Performance of Corporate Services for 2017/18	Highlighting the exceptions and looking forward to 2018/19. The future challenges, setting out key objectives/priorities for the next twelve months, and identifying areas for improvement.	Nicole Scammell – Interim Corporate Director Corporate Services.
Wellbeing Objective WO5 – Investment in Council Homes (P1)	To provide an update of progress against the Councils highest priorities identified within the Councils Corporate Plan 2016.	To provide an update against the Well-being Objective action plan using the Council Ffynnon scorecard which provides PI data regarding completion of internal and external works programmes and adds information on peoples satisfaction with the internal works. The update of the WBO should also identify any emerging slippage or additional progress against the action plan	Shaun Couzens – Chief Housing Officer
Year End Performance Housing Services (P1)	Performance Monitoring	An update on performance of the Housing Service during 2017/18, to set out the key service objectives for 2018/19 and highlight any potential challenges that may affect delivery of these objectives.	Shaun Couzens – Chief Housing Officer Christina Harrhy – Corporate Director Communities

Meeting Date: to be confirmed			
Subject	**Purpose**	**Key Issues**	**Witnesses**
Supported Accommodation (P3)	This information report will update members on the progress of supported accommodation	To advise members on the progress of supported accommodation.	
Local Housing Strategy			
Shared Resource Service (SRS) (Special Meeting) (P1)	To present the proposal in respect of the Authority joining the SRS.	The SRS is a joint committee that presently included Gwent Police, Torfaen CBC, Newport CBC, Blaenau Gwent CBC and Monmouth CBC. This collaboration provides IT Services to its Members.	Matthew Lewis SRS Nicole Scammell

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Cabinet Forward Work Programme

4TH OCTOBER 2017	Key Issues	Service Area
Active Travel Integrated Network Map	The Cabinet report will seek endorsement of the Active Travel Integrated Network Map prior to submission to the Welsh Government in November 2017 in order to meet the Council's statutory obligations.	Housing
Annual Performance Report 2016/17	The Annual Performance Report is a statutory requirement and an important part of the Council's Performance Framework. The Council is required to assess its own performance and provide the public with a balanced picture of that performance. In addition, the report must also show how the Council performed against the Well-being Objectives.	Public Protection
Phasing Out of Communities First, Proposals for Revised Welsh Government Priorities and Associated Staff Re-Structure.	The report details the phasing out of Communities First between 1st April 2017 and 31st March 2018 within a 30% budget cut, and the proposals for a new programme model from 1st April 2018 to 31st March 2022 within a designated budget not yet confirmed by Welsh Government.	Community Regeneration

18TH OCTOBER 2017	Key Issues	Service Area
Car Salary Sacrifice Scheme	To advise Cabinet of the implications of HMRC changes in relation to the treatment of tax and national insurance for the Car Salary Sacrifice Scheme and to make appropriate recommendations on the future of the Scheme.	Human Resources
Proposal for the Development of a Combined Sensory and Communication Service (SENCOM) Made Up of the Visual Impairment (VI) Service, Hearing Impairment (HI) Service and the Communication Intervention Team.	The report sets out the consultation and project group activities undertaken to scope and develop an action plan to combine the Visual Impairment Service, the Hearing Impairment Service and the Communication Intervention Team, under a single employer and governance structure operated by Torfaen CBC	Education
Data Protection Reform Report	To update Members on changes to Data Protection regulations. To make Members aware of changes to Data Protection regulations and the penalties incurred for any breaches.	Information Governance

Cabinet Forward Work Programme

APPENDIX 2

Children's burial fees	The report will be to seek Member's views on establishing a Memorandum of Understanding between Welsh Government and Local Government across Wales in respect of putting a consistent approach to children's burial fees in place.	Environment
Risca - Tesco Development Section 106 Agreement - Commitment of Funding	To outline and agree the priority projects to be implemented via the S106 funding resulting from the Tesco development.	Engineering
Cabinet Forward Work Programme	To seek Cabinet endorsement of the Forward Work Programme for the period July 2017 to December 2017.	Legal and Governance

1ST NOVEMBER 2017	Key Issues	Service Area
Wales Audit Office Review of the WHQS Programme	To advise members on the outcome of the WAO Review of the WHQS Programme. The report will highlight the key findings of the WAO Review, detail the key recommendations and actions to be taken by officers to address these.	Housing
Air Quality Action Plan	This report will advise Cabinet on the outcome of a public consultation exercise on the draft Hafodyrynys Air Quality Action Plan and seek approval of the final Action Plan.	Public Protection
Annual Improvement Report	The Annual Improvement Report is a summary of the review work carried out by Wales Audit Office in 2016-17. Individual pieces will have been reported on throughout the year at separate times, but this provides a collective summary The AIR also gives the Audit Offices judgement on whether they believe the Council has or is going to meet its statutory duty to 'make arrangements to secure continuous improvement'	Public Protection
Local risk based reviews: Asset management and Information Management and Technology – Caerphilly County Borough Council	To present to Cabinet the WAO report detailing their findings following the review of Asset Management and Information Management and Technology.	Corporate Services

15TH NOVEMBER 2017	Key Issues	Service Area
The Management of Trees	To seek the approval of Cabinet to formally adopt a Tree Strategy, following	Communities

	consideration at Scrutiny Committee.	and Leisure
Draft Budget Proposals for 2018/19	This report will seek Cabinet endorsement of draft budget proposals for the 2018/19 financial year based on the Provisional Local Government Financial Settlement. This will then allow for a period of consultation prior to consideration of final 2018/19 budget proposals by Cabinet and Council in February 2018.	Corporate Finance
WESP 3 Year Plan	Required	Education

29TH NOVEMBER 2017	**Key Issues**	**Service Area**

13TH DECEMBER 2017	**Key Issues**	**Service Area**
Council Tax Base	The report provides details of the Council Tax base for 2018/19 for tax setting purposes and the collection percentage to be applied.	Corporate Finance
Affordable Homes New Build Proposals	To confirm the new build Council Housing programme, including the preferred delivery option in order for the Council to utilise the Affordable Housing Grant funding that has been allocated to CCBC.	Housing
Proposed Closure of Pontlanfraith Leisure Centre - Outcome from the Consultation Exercise	To consider the outcome of the consultation for the proposed closure of Pontllanfraith Leisure Centre.	Communities

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POLICY AND RESOURCES SCRUTINY COMMITTEE – 3RD OCTOBER 2017

SUBJECT: DATA PROTECTION REFORM

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

1. PURPOSE OF REPORT

1.1 To inform Members of requirements of upcoming data protection reform and corporate action to address these requirements prior to the presentation of this information to Cabinet.

1.2 To request consideration by Members of updates to the Council's Information Risk Management Policy, prior to its approval by Cabinet.

2. SUMMARY

2.1 On the 13th September 2017 the UK government presented a draft Data Protection Bill to the House of Lords to replace the Data Protection Act 1998 and provide a comprehensive legal framework for data protection in the UK, supplementing the requirements of the General Data Protection Regulation (GDPR) which will be directly applicable in the UK from 25th May 2018. In summary, the changes mean a greater requirement for accountability and Privacy by Design. There are also greater rights for data subjects, including rights to know what the Council will do with their data, and mandatory breach reporting within 72 hours. The Bill is scheduled for consideration at a second reading on 10th October 2017.

2.2 The maximum monetary penalty for breaching the Data Protection Act currently set at £500,000 will increase to the equivalent of €20 million or 4% of global annual turnover under GDPR. Monetary penalties could be levied for any breach of the new Act, for example failing to evidence accountability or to report breaches on time, which is an expansion of the current focus on security or marketing breaches.

2.3 GDPR and the forthcoming implementation of the new Data Protection Act comes at a financially challenging time when services must become leaner, requiring more efficient ways of working and collaborations with other organisations. Efficiencies gleaned from new technology, outsourcing, and sharing information with partners needs information governance structures to reduce risk of data breaches as well as risk of poor quality information leading to inappropriate decisions. There are opportunities to make better use of the Council's information assets to benefit service delivery and potentially save costs, as well as addressing increasing demands of requests made under FOI and associated information rights legislation. Members will recall receiving a report on Information Governance at the Policy and Resources Scrutiny Committee in June 2017.

2.4 The Council's Information Risk Management Policy is key in enabling the Council to monitor compliance with these changes, as well as overseeing that Council is making most effective use of its information assets. Cabinet approved this policy on 16 October 2013, and are requested to approve updates to the Policy.

3. LINKS TO STRATEGY

3.1 Information governance is a key part of the Council's corporate governance arrangements and is reflected in the Corporate Services Directorate Risk Register and Annual Governance Statement section of the Statement of Accounts.

3.2 Effective governance of the Council's information underpins all Council activities, safeguarding information assets and using them to maximum effect to help achieve the Council's Priorities and Wellbeing Objectives, as well as the seven Well-being Goals of the Future Generations Act (Wales) 2015:

- *A prosperous Wales*
- *A resilient Wales*
- *A healthier Wales*
- *A more equal Wales*
- *A Wales of cohesive communities*
- *A Wales of vibrant culture and thriving Welsh language*
- *A globally responsible Wales*

4. THE REPORT

What reforms are expected next year?

4.1 On the 13th September 2017 the UK government presented a draft Data Protection Bill to the House of Lords which brings together:

- requirements of the General Data Protection Regulation (GDPR) - directly in force in the UK on 25 May 2018 regardless of Brexit;
- the Data Protection Law Enforcement Directive - UK must implement by 6 May 2018;
- and separate rules for processing personal data for national security purposes.

The Bill is scheduled for consideration at a second reading on 10th October 2017.

4.2 The draft Bill will replace the outdated 1998 Data Protection Act, which was passed a generation ago, before the ubiquity of personal computers, smartphones, Artificial Intelligence, social media, and the myriad components of the digital world that we now live in. In the foreword to the Minister of State for Digital's 7 August publication setting out the intention to develop this Bill, the Minister said that the intention is '…to allow people to be sure they are in control of their personal information while continuing to allow businesses to develop innovative digital services (predicted to benefit the UK economy by up to £241 billion between 2015 and 2020) without the chilling effect of over-regulation…'. The Bill also aims to ensure consistency of data processing both within the EU and outside, with the three stated objectives described as:

- maintaining public trust in handling personal information,
- facilitating future international trade,
- and ensuring security.

4.3 Whilst many of the direct requirements of GDPR are known, national derogations are as yet undecided by the UK government. We are closely monitoring announcements from the government and the regulator, the Information Commissioner (ICO), and if there are further significant impacts on the Council, we will update Members.

Why is additional protection for personal information required?

4.4 Personal information, whether it enables an individual to be identified or whether it is in aggregate, anonymised form, is valuable to businesses and the economy, and organisations that benefit need to abide by rules to protect individuals. It can be distressing for an

individual's personal information to be disclosed to an unexpected third party or to be used in an unanticipated way (with some limited exceptions, e.g. crime detection). Misuse of even basic information such as telephone numbers and email addresses can lead to distressing consequences such as 'cold-calls' and unwanted junk mail – irritating enough for anyone, but particularly harmful to vulnerable people.

4.5   If the Council were responsible for misuse of information this is likely to lead to loss of trust in the organisation, which not only causes reputational damage but could pose a barrier to delivering critical services to service users. There could also be very real financial detriment to service users if key information about them enabled criminals to steal their identity or if financial information was misused. This is illustrated by a 2015 breach by Talk Talk, which led to personal data of 157,000 customers being compromised, including bank details, leading to a £400,000 monetary penalty.

4.6   Risks inherent in handling personal information are reflected in the increase in monetary penalties increasing to €20 million or 4% of global annual turnover under GDPR. The ICO has not been reticent to use the monetary penalty sanctions on publicly funded bodies, with the largest fine for a local authority of £250,000 for Scottish Borders Council for pension records being found in supermarket recycling bank. GDPR changes the landscape, by opening up the possibility of a monetary penalty for breaching any part of the Regulations, not just security or marketing breaches that are currently the focus of monetary penalties.

Benefits for service delivery in financially challenging climate

4.7   The challenges presented by data protection reform are an opportunity to make better use of all the Council's information assets, not just those containing personal data. Services are becoming leaner to meet financial challenges and more efficient ways of working are sought, which will include greater collaborations with other organisations. This increases information risk, but risks can be reduced and the Council's information assets used more effectively by streamlined records management. This will ensure that only necessary information is created, retained and stored for officers to locate quickly to support timely and appropriate decision-making, and saving costs of storing unnecessary records, in hard copy or electronic format.

4.8   Greater openness of non-confidential information across the organisation will also encourage re-use of information assets to benefit other parts of the organisation and ultimately the citizen. Maintaining details of each information asset will benefit other service areas, who will not need to recreate information if they can check whether it exists in another service. It will also help in dealing with information requests under Freedom of Information to statutory timescales, thereby avoiding monitoring by the ICO. There is a government drive to open up public sector information to the public to benefit the economy, and the City Deal's open data initiative is a good example of this in practice.

Key impacts of data protection reform:

4.9 Key changes set out in the GDPR from the existing 1998 Act are listed below, together with detail of how the Council has addressed these changes so far via the Information Governance Project Team work programme.

	Key impacts:	Addressed by:
a.	Accountability The 8 existing data protection principles will still apply but are reformatted into 6 principles underpinned by a new principle of accountability. This means that we need to evidence how we have considered privacy in everything that we do, and that all employees are aware of their responsibilities.	Training for all staff on Protecting Information has been in place since 2013, including for non-computer users, to supplement workshops offered since 2005 and the requirements of the Employee Code of Conduct. A review is underway of the Council's existing Data Protection Policy and Information Risk Policy as well as supporting procedures for Privacy Impact Assessments; information sharing (e.g. contract conditions and WASPI agreements); breach reporting; Subject Access Requests, IT security arrangements; etc.
b.	Privacy by Design Closely linked to accountability, Privacy Impact Assessments (PIA's) are a critical part of the new law. Impacts on privacy of processing of personal data, especially if high risk, must be undertaken as early as possible, similar to the consideration of equality impacts that we have become accustomed to over the years.	PIAs balance citizen's privacy against benefits of using personal data to enable a decision on acceptability of risk. PIAs can be very detailed or a simple analysis of pros and cons of an activity, depending on requirement. It is encouraging that PIAs are used increasingly within the Council, not only to reduce privacy risk but also to identify potential obstacles early in a new project to avoid having to repeat work.
c.	Transparency for data subjects People must understand what the Council will do with their data, so clear summary privacy notices must be given as soon as possible, with more detailed information available if required.	Review existing fair processing notices on forms/leaflets/websites. Identify additional processing that requires a Privacy Notice. Layer Privacy Notices by giving GDPR compliant information on website.
d.	Greater rights for data subjects: • to request erasure of information (Right to be Forgotten); • to request correction of inaccurate data; • to seek redress if the Council makes a mistake, including compensation through the courts (action can also be brought on behalf of similarly affected individuals by a representative entity e.g. ombudsman or consumer bodies);	Awareness raising underway amongst all staff of the rights of data subjects so a request can be identified and addressed appropriately. Likely to be an increase in numbers of Subject Access Requests (SARs), which will impact on compliance timescales with other information rights laws such as Freedom of Information. Therefore Information Governance (IG) Stewards are working to make sure records are documented in Service Areas Information Asset Registers to enable prompt administering of all information requests, including SARs.

	• to seek access to personal information about yourself, known as a Subject Access Request (SAR) as long as the request is not "manifestly unfounded or excessive". The current £10 fee will be abolished.	*There will be specific exemptions for research organisations, including Gwent and Glamorgan Archives, for example for* SARs that are too burdensome or for updating/deleting data, subject to certain criteria.
e.	Legal basis for processing personal information There must be a documented legal basis for each instance of processing personal data. Legal conditions are more restricted under GDPR compared to DPA. If the legal basis is consent, there are new rules on consent being proactive, understood and regularly reviewed. Children must have parental consent until they are 13.	Information Asset Registers identify personal data being processed and the legal basis is currently being reviewed, including methods of obtaining consent. Elected Member consent to act on behalf of constituents to be reviewed to make sure the existing process will comply with the new rules.
f.	Data breach reporting within 72 hours Mandatory if the breach is likely to result in a risk to the rights and freedoms of an individual. Previously this has only been a mandatory requirement for the health sector, although local authorities are encouraged to report significant breaches. Failure to report will increase the amount of any monetary penalty that is levied.	Existing data breach procedure is embedded, but the policy will be updated including criteria for reporting breaches, and awareness to be raised through training. Reporting of relevant IT security breaches will also be incorporated.
g.	Enforcement: Current ICO investigative powers (including the right to enter buildings), civil sanctions, criminal sanctions and monetary penalties still exist.	Once GDPR preparation is completed, Information Governance Project Team will turn its attention to ensuring the law continues to be properly adhered to, to reduce risk of being subject to enforcement action. Audit of Service Areas, partners and contractors will be considered.
h.	ICO register of Data Controllers There will no longer be a requirement to notify the ICO of personal data processing, but there will be a requirement for Data Controllers to know what information is processed and how it is managed.	Information Asset Registers for each service are under review to make sure they capture all information required, not just for GDPR compliance but also to enable better use of Council resources by all Service Areas. .

4.10   There is a lot to do to make sure the Council is prepared by May 2018, and this is identified as one of two areas to improve in the Annual Governance Statement for 2017/18. The *Information Governance Work Programme drives preparation, and* progress is monitored through the Corporate Services Directorate Risk Register and by regular updates to Corporate Governance Panel. The *report to* Policy and Resources Scrutiny Committee on 6 June 2017 on Information Governance during 2015 and 2016 also informed Members of proposals.

4.11   The work programme is being led by the Senior Information Risk Owner (SIRO) and Corporate Information Governance Unit (CIGU). Key tasks are being undertaken CIGU (collaborating with other local authorities at South Wales Information Forum to share the workload where possible) and Information Governance Stewards for each Service Area. Progress depends on available resource as CIGU is handling increasingly complex information requests and high volumes of data protection advice, the latter triggered by raising awareness of data protection leading to officers Council-wide more aware of their responsibilities; and IG Stewards are preparing for the changes in addition to their substantive posts. Therefore an approach of prioritising the highest risks is being taken.

4.12   Under GDPR organisations must appoint a data protection officer if the organisation is large and processes specific types of personal data. The DPO must:

- have professional experience and knowledge of data protection law;
- report to the highest management level of the organisation, ie board level;
- operate independently and must not be dismissed or penalised for performing their task;
- and have adequate resources (staff and skills) to meet their GDPR obligations.

Members are asked to note this requirement, a report on which will be presented to Audit Committee in the coming months. The Council has evolved a number of different arrangements for supervision of Information Governance since 1998 as legislative requirements have changed, and this is an opportunity to review arrangements to achieve more consistency.

Key evidence of accountability to ensure data protection compliance

4.13   The Information Risk Management Policy approved by Cabinet in 2013 has been updated to cover new data protection requirements, and approval for the updated version of the Policy in Appendix 1 is sought. The main changes include promoting use of Privacy Impact Assessments when necessary, and frequency of reports on Service Area Information Risk Registers to the SIRO changing from quarterly to six monthly. The latter reflects Corporate Governance Panel's assessment that as the registers are reviewed within Service Areas regularly, there are opportunities to update them immediately if a significant risk is identified, but in the main six monthly reports to the SIRO are sufficient.

4.14   A key tool to implement this policy is the Information Asset Register, which if fully updated gives the Council confidence that its information is not only compliant with data protection law, but also that information assets are used to best effect Council-wide. The updated Information Risk Management Policy emphasises the role of this Register in more detail than previously.

4.15   Whilst the Information Commissioner acknowledges that it is impossible to eliminate human error, evidence of processes to reduce risk are expected, with training and awareness-raising key, and this has been strengthened in the updated Information Risk Management Policy. Since 2013 Heads of Service committed via their Information Risk Registers to regular completion of Protecting Information training by all their employees, and all staff were requested to repeat the training in July 2017 to make sure their knowledge is up-to-date. The training is delivered mainly via a short e-learning course, supplemented by a booklet for non-computer users and additional awareness materials on the Information Governance intranet, including posters displayed Council-wide. Mandatory annual training will be relaunched next

spring to cover new data protection requirements, and a new method of delivering the training assessment is being developed so that Heads of Service can access readily available reports. The Elected Members mandatory annual Information Governance training covered the basics data protection reform during 2017, and more detail will be given when the training is repeated next year.

4.16   Improvements in line with the Council's Records Management Policy continue to ensure records are well managed to ensure GDPR compliance, to underpin service delivery with reliable, easily located information and to ensure compliance with the Lord Chancellor's Code of Practice on Section 46 of the Freedom of Information Act, which the Council can be audited against.

Upcoming risk areas

4.17   Contracts and agreements supporting existing partnerships and outsourcing arrangements need to be reviewed, highest risk first, but there are also increasing numbers of new collaborations and joint systems that require assessment of data controller relationships and privacy impacts at the outset. Examples are the Welsh Community Care Information System (WCCIS), Greater Gwent Pension Scheme, SenCOM, Education Achievement Service, and even schools. This requirement is strengthened in the updated Information Risk Management Policy.

4.18   Records backlogs in all formats (electronic, including email, as well as hard copy), are being addressed in line with the Council's Records Retention and Disposal Policy, to reduce risks of keeping records that have met their disposal date and also reduce impact of information requests.

4.19   Security threats (physical and electronic) are increasing, and are being considered by Corporate Security Group and by IT Security, in particular via compliance with the ISO270001 standard and stringent requirements to enable the Council's IT infrastructure to be part of the PSN network.

4.20   Information requests continue to be a challenge to answer on time as outlined in the table below, mainly due to growing complexity of questions and time available in service areas to respond. In 2017 the Information Commissioner revised her expectation of compliance from 85% to 90%, and will monitor organisations not achieving this target. Combined with abolition of the £10 fee and the inherent complexity of SARs, it is anticipated that compliance with information requests timescales will become even more challenging. Therefore data protection reform is being used as the impetus to improve management of all records. This includes maintenance of Information Asset Registers and proactive publication of information to give the Council better intelligence on what information is held and where they it is located, speeding up processing of information requests.

	Council target	2014	2015	2016	2017 Jan - July
Information request quantities (FOI and SAR)		1177	1144	1176	652
FOI request responses within statutory timescales (ICO expectation – 90%)	80%	76%	85%	83%	80%
DPA SAR request responses within statutory timescales	70%	80%	69%	59%	75%

5.   **WELL-BEING OF FUTURE GENERATIONS**

5.1   This report contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development

principle in the Act in that effective management of the Council's information will ensure reliable, high quality information is held which could be shared with other partners to ensure a joined up approach to providing services and preventing problems, as well as to enable close working with communities affected by the Council's activities. Reliable information also ensures that decisions are more robust now and in the long-term and preservation of the Council's historic record means that current and future generations can hold the Council to account for its decisions and learn from previous activities.

6. EQUALITIES IMPLICATIONS

6.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the categories identified in Section 6 of the Council's Strategic Equality Plan. There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report.

6.2 The Council provides FOI information in the format that the applicant requests and this combined with Welsh language responses to FOI requests made in Welsh contributes to compliance with the Council's Strategic Equality Objective 4 – Improving Communication Access and the Council's Welsh Language Standards Compliance Notice.

7. FINANCIAL IMPLICATIONS

7.1 Financial implications may result from the programme of improvements necessary to assure the Council's information during this period of significant Council change.

7.2 Monetary penalties that can be levied for data breaches are increasing from £500,000 to the equivalent of €20 million or 4% of global annual turnover following the implementation of the General Data Protection Regulation (GDPR) in May 2018.

8. PERSONNEL IMPLICATIONS

8.1 The Information Governance Work Programme has implications on the workloads of staff Council-wide, but in particular on Corporate Information Governance Unit and Information Governance Stewards.

9. CONSULTATIONS

9.1 All responses from consultations have been incorporated in the report.

10. RECOMMENDATIONS

It is recommended that:

10.1 Members note requirements of upcoming data protection reform and corporate action to address these requirements.

10.2 Members consider the revised Information Risk Management Policy attached at Appendix 1 and provide their comments prior to its approval by Cabinet.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To ensure the Council is compliant with changes required by data protection reform, to protect service users, employees and the organisation from data breaches and monetary penalties.

12.   STATUTORY POWER

12.1   General Data Protection Regulation 2016.

12.2   Data Protection Act 1998 (still in force but due to be repealed by the Data Protection Bill).

12.3   The Data Protection Law Enforcement Directive 2016.

12.4   The Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data 1981.

12.5   Proposed UK Data Protection Bill (expected 2017-2018).

12.6   Other privacy legislation such as Privacy and Electronic Communications Regulations 2003 and Human Rights Act 1998.

12.7   Information rights legislation such as Freedom of Information Act 2000, Environmental Information Regulations 2004, Re-Use of Public Sector Information Regulations 2005, and INSPIRE Regulations 2009.

12.8   Section 60 Local Government (Wales) Act 1994 on duty to maintain records, supplemented by the FOI Section 46 Statutory Code of Practice on Records Management.

Author: Joanne Jones, Corporate Information Governance Manager
Consultees: Paul Lewis, Acting Head of ICT and Customer Services
                Cllr Colin Gordon, Cabinet Member for Corporate Services
                Corporate Management Team (21 September 2017)
                Gail Williams, Interim Head of Legal Services & Monitoring Officer
                Lisa Lane, Solicitor
                Lynne Donovan, Acting Head of Human Resources and Organisational Development

References:
- Department for Digital, Culture, Media and Sport 'New Data Protection Bill – our planned reforms', August 2017 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/635900/2017-08-07_DP_Bill_-_Statement_of_Intent.pdf
- ICO Guide GDPR, including DPO https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/accountability-and-governance/#dpos
- Policy and Resources Scrutiny Committee Report on Information Governance, June 2017

Background papers:
Policy and Resources Scrutiny Committee 6 June 2017 report on information Governance.
Cabinet 16 October 2013 report on Information Risk Management.

Appendices:
Appendix 1 – Information Risk Management Policy (see also paragraphs 4.13 to 4.17 of this report).

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Caerphilly County Borough Council

Information Risk Management Policy

Version:	Version ~~1~~2
Date:	Oct 2013 Revised September 2017
Author/s:	Corporate Information Governance Unit (ICT Services – Corporate Services)
Consultee/s:	Information Governance Project Team
Approved by:	Cabinet, 16 Oct 2017
Review frequency:	Every 2 years
Next review date:	~~Oct 2015~~October 2019

A greener place
Man gwyrddach

1   Introduction

1.1   Reliable and accurate information management is critical to proper decision making across ~~the~~ Caerphilly County Borough Council. Information can take many forms – from data sets containing personal information through to records of sensitive meetings, policy recommendations, social services and education records, case files, correspondence and historical records.

- Information is ~~the lifeblood of our organisation, it is~~ a critical business asset that the Council needs to protect and get the most value from to benefit ~~the business~~service delivery.

- ~~•~~ The management of information risks should be incorporated into all day-to-day operations~~.~~ ~~If effectively used it can be a tool for~~ to demonstrate accountability in managing information proactively rather than reactively. ~~It~~

- Proactive information risk reviews will enable the Council to get the right information to the right people at the right time, ~~and~~ help avoid incidents where data is lost or improperly disclosed, and ensure compliance with data protection laws.

1.2   This policy sets out the Council's commitment to the management of information risk. ~~In doing so, this~~ and should be read together with information risks identified in the Corporate Risk Register. This policy supports the Council's strategic aims and objectives and should enable staff and third party suppliers ~~throughout the organisation~~ to identify an acceptable level of risk and~~, when required,~~ use the correct risk escalation process.

1.3   Disciplinary action will be considered for any officer (including contractors, consultants, and suppliers) that does not follow the mandatory actions set out in this policy, unless prior agreement to do so has been secured from the Council's ~~SIRO.~~Senior Information Risk Owner (SIRO).

1.~~3~~   ~~Senior Information Risk Owner (~~4   The SIRO~~)~~ and Heads of Service~~/~~ as Information Asset Owners (IAO) for their service must ensure that ~~Senior Management Teams~~senior management teams review and are aware of this policy and that it is available to all staff and Elected Members.

~~All~~In addition, all Service Areas must have an Information Risk Register in place~~.~~ developed from the template in Annex C. The Information Asset Owner must ~~initially review and finalise the template Risk Register, plus~~ review the Register ~~quarterly~~every six months and submit a ~~quarterly~~six monthly IAO Risk Return to the SIRO.

2.   Information Risk Management

2.1   Information is a vital business asset that we need to protect. ~~Information risk management provides this protection by managing,~~ but risks to the confidentiality, integrity and availability of information ~~to assist our~~must be managed in order for services to function effectively.

- Confidentiality means ensuring that only authorised people can ~~get to our~~access information;
- Integrity means ensuring that ~~it~~information is authentic, accurate and complete;
- Availability means that authorised people can access ~~it~~information when they need to, at the right times and in the right ways.

2.2   Keeping the right information for the right period of time ~~is also very important and can help ensure we comply~~ensures compliance with a range of statutory responsibilities (e.g. Freedom of Information ~~2000~~ and Data Protection ~~Act 1998), locate~~ laws), enables location of information when ~~it is~~ required to provide effective services, assists decision-making, and ~~provide supporting~~provides evidence ~~in the event of litigation against the Council. For guidance refer to~~of the Council's activities. The Council's Retention and Disposal ~~Guidance~~Policy gives guidance on retention of records.

2.3   The SIRO role is held by the Head of ~~Information, Communications~~ICT and ~~Technology~~Central Services~~, who is also Council's Corporate Data Protection Officer.~~

~~2.4~~2.3 ~~The SIRO~~ and is responsible for:

- ~~Owning the~~The risk policy and assessment process for the Council, ensuring that the organisation takes a responsible attitude to information and can implement data handling ~~standards~~guidance.
- ~~Developing a management statement on risk appetite, which can vary according to current circumstances.~~
- Ensuring information risk is appropriately reflected in the Corporate Risk Register.
- Writing an annual Information Risk ~~Return~~Statement as part of the Annual Governance Statement, informed by ~~quarterly~~six monthly IAO Risk Returns covering the Council and main delivery partners ~~which ensures that the Council can monitor and assess compliance.~~. The annual ~~return~~statement gives a structure to improvement and will include:
  ~~a)~~
  a)   Details of any changes to key individuals responsible for ~~security~~information risk matters.
  b)   ~~b)~~Significant risks and mitigations that have implications for protective security~~.~~
  ~~c) All significant security incidents~~
  c)   ~~d)~~Declaration of meeting ~~all~~data handling standards
  d)   ~~e)~~Confirmation that any significant control weaknesses, including mitigating significant data breaches, have been reflected in the Annual Governance Statement.

Information Asset Owner (IAO)

2.~~5~~4   IAOs (Heads of Service) are responsible for the day to day use of information, which includes who has access to ~~the~~ information and risk management of their information. IAOs are responsible for making sure their Service Areas and external partners with whom they work have in place the arrangements needed to implement and maintain this policy, supported by Directorate Information Governance Stewards. The IAO may wish to appoint Information Governance Service Area Liaison Officers to work on their behalf, taking day to day oversight of assets and reporting back to the IAO on the changes to risks. The IAO must report ~~quarterly~~every six months on information risk, and submit ~~quarterly~~six monthly IAO Risk Returns to the SIRO. Further information about the role of the IAO can be found in Annex A of this document.

Information Asset Register

2.5   High level Information Asset Registers have been developed for each Council function, identifying the records held to support the functions, activities and transactions of the Council. The register also includes details of:

- who can access the record,
- where it is located and in what format,
- whether it is a vital record,
- whether it contains personal or otherwise sensitive data, and if personal, how data protection requirements are satisfied, e.g.:
  i.   the legal basis for processing the data, including arrangements for consent where applicable
  ii.   whether privacy notices are available, and
  iii. whether there is any automated decision-making or profiling.

2.6   The IAO is responsible for making sure Information Asset Registers are updated on a regular basis, including updating those areas that fall within the main control of a different Head of Service (e.g. HR, finance, etc). Information Asset Registers are stored on a shared network drive to facilitate access and update by officers from any S~~ervice Area~~. The records identified in the Information

Asset Register must be reviewed to identify risks that apply to them, which will be documented by the IAO in the Service Area's Information Risk Register.

Information Risk Register

2.62.7 To provide evidence that ~~the~~ risks in ~~their~~ Service ~~Area have been~~ Areas are identified and ~~that there are plans in place for managing them~~managed the IAO must compile and maintain an Information Risk Register. The register will enable the IAO to be able to identify ~~and explain~~ the risk that a loss ~~/~~, compromise or lack of availability of ~~that~~an asset would have to the Council. IAOs must review information risks on a ~~quarterly~~six monthly basis to inform the SIRO's annual reports and, where appropriate, the IAO must escalate any risks to the SIRO via the Corporate Information Governance Unit. As well as existing risks that have already been identified, the review must also consider forthcoming potential changes in services, technology and threats~~.~~, and verify that Privacy Impact Assessments will be undertaken at an early stage. Guidance on reviewing the Risk Register can be found in Annex B.

2.72.8 A partially completed risk register template that ~~you~~ can ~~amend~~be amended to ~~fit your own~~suit each Service Area can be found in Annex C. ~~The draft has been provided to assist you but you will need to look at the information in each of the columns and consider the extent to which it is valid for your Service Area.   You~~IAO's must include ~~any~~ additional risk descriptions and possible causes with *Service Area specific risks and causes where necessary.* The register includes two ratings relating to likelihood of risk being realised and business impact associated with the threat being realised, resulting in a score.

2.9 If a risk is given a collective impact/likelihood score of ~~9 or above, or an existing risk being managed at Service Area level whose collective score for impact and likelihood is/becomes~~ 9 or above, it must be escalated to the Council SIRO via the Corporate Information Governance Unit immediately. Further guidance on escalating risks to the appropriate level can be found in Annex B.

2.10 The ~~quarterly~~six monthly IAO Information Risk Return is made up of the Information ~~and Assurance Compliance Statement~~Risk Return that can be found at the start of the template Information Risk Register. This must be completed and sent electronically to the Corporate Information Governance Unit by the end of Feb~~, May, Aug,~~ and ~~Nov~~end of Aug each year.

3. **Privacy Impact Assessments**

3.1 A key tool in the Council's armoury for reducing information risk is the Privacy Impact Assessment (PIA) for using personal information. PIAs have been expected by the Information Commissioner for many years, and are an essential component of evidencing 'Privacy by Design' elements of the General Data Protection Regulations, in force in the UK from 25 May 2018. PIAs can be brief, simply listing pros and cons of an activity and concluding whether privacy risk is justified and/or can be mitigated, or they can be more detailed exercises for higher risk schemes. Guidance and a template for a full scale PIA are available on the Information Governance intranet.

4. **Business Continuity Planning**

~~3~~4.1 The purpose of business continuity planning is to create the conditions that ensure a business can continue to operate even after an event that denies it access to its assets and information: this could be a server failure, a power cut, a fire or any other catastrophic event. Service Areas must have in place a plan for the loss of information assets, usually incorporated within their Service Area Business Continuity Plan. The IAO is responsible for Business Continuity Plans within their Service Area and must ensure that all staff are aware of the plans and have enough knowledge to implement them.

~~3~~4.2 ~~To ensure business continuity is maintained across the Council all Service Areas must have in place a Contingency Plan for the loss of information assets. The IAO is responsible for contingency plans~~

~~within their Service Area and must ensure that all staff are aware of the contingency plans and have enough knowledge to implement them.~~

3.3 It is important that IAOs identify their local 'vital records' within their Information Asset Registers and reference these in their business continuity plans. These are information assets that have been identified as essential for the continuation of the Council operations if, for example, IT systems and / or paper records cannot be accessed.

~~3.4   The plan must identify proposals for the recovery of business critical activities promptly and efficiently and include proposals for the protection of 'vital records' and the Council's information assets.~~

4
5. Physical and Personnel Security

45.1 Physical Security - Facilities Managers will assess any physical security risks that affect the sites in which ICT-based and paper-based information systems reside. They must ensure that IAOs are made aware of any assessed risks that affect them.

45.2 Personnel security - All staff, volunteers, and any other party with access to the Council's records must have the appropriate level of checking needed to assure the reliability of each employee (including contractors) according to the sensitivity of the information that the member of staff has regular access to and the business impact that might arise if that employee ~~discloses this~~mishandles information ~~without authority.~~. All staff must also undertake and pass mandatory information risk training on an annual basis.

56. Delivery Partners and Third Party Suppliers

5.16.1 Before entering into a relationship with a third party that involves sharing information, a PIA needs to be undertaken as soon as possible, and appropriate contracts/agreements established to protect each Data Controller.

6.2 Council partners and third party suppliers must identify and manage risks to all the Council information assets that they have access to and/or control of, including escalating them via the necessary channels as outlined in this policy.

5.26.3 Any significant risks relating to Council information must be raised with the partner/third party supplier's usual point of contact within the Council, who will raise this with the relevant IAO and the SIRO if necessary, as outlined in this policy.

67. Equalities and Welsh Language ~~Issues~~

67.1 In general, most information held by the Council is provided in both English and Welsh ~~(as per the guidance in the Editorial Policy) but specifically in terms of Information Risk,~~but it can be ~~provided~~supplied from~~,~~ or requested by~~,~~ the public in any language or format.

67.2 When dealing with correspondence, information or data of a sensitive nature, the issue of translation or interpreting can ~~thus~~ potentially add a significant risk to the Council if ~~done~~undertaken without proper controls and safeguards ~~in place~~. The Council's Equalities and Welsh Language team ~~in Legal and Governance provide advice. Welsh translation in house in the strictest of confidence where necessary, and~~ can provide advice ~~and guidance on secure translation and interpreting for British Sign Language, Braille and any other spoken language where necessary.~~.

78. Supporting documents

- Records Management Policy

- Corporate Record Retention and Disposal Policy
- Environment Directorate Retention Schedule
- Social Services Directorate Retention Guidance
- Data Protection Policy
- IT Security Policy
- Policy on Requests for and Access to Unpublished Information
- Publication Scheme
- Wales Accord on Sharing of Personal Information (WASPI)
- Information Sharing Protocols (WASPI and non-WASPI)
- Strategic Equality Plan
- Welsh Language Scheme (specifically the Editorial Policy supplementary guidance document)

Annex A - Roles and Responsibilities

See below for specific details of each role.

External regulators, e.g. ~~PWC,~~ ~~ICO,~~ WAO, CSSIW, ESTYN, etc

P&R Scrutiny Cttee
Monitor assurance through existing annual updates

Head of Paid service
Chief Executive - overall responsible for info risk.

Audit Cttee
Objective evaluation of adequacy and effectiveness in managing info risk.

CMT
Approves Risk Policy/~~Appetite statement.~~
Consulted on progress through ~~access~~ approval of ~~to~~ Cttee reports.

Senior Info Risk Officer (SIRO)
Head of ICT Services ~~(also Corporate Data Protection Officer)~~
Responsible for IG Council-wide, including developing the information risk policy ~~risk appetite statement.~~
IAO ~~quarterly~~ reports feed into annual info risk return, which informs Annual Governance Statement. ~~.~~

Corporate Governance Panel
IG reports

Head of ~~Performance and~~ Property
Physical security

Technology and IT Security

Corporate Information Governance Unit

Exemption Panel
Legal, CIGU and Service Area consider legal impacts and agree exemptions.

Information Governance Stewards
Key role on IGPT, and advises IAOs with 6 mthly risk reports.

Information Asset Owner (IAO)
Head of Service - operationally owns info and ensures it is handled with acceptable level of risk.
6 monthly reports to SIRO.

IG Service Area Liaison Officers/FOI representative

Supports IAO and IG Steward. Usually also FOI contact.

7

Head of Paid Service - Chief Executive who has overall responsibility for ensuring that information risks are assessed and mitigated to an acceptable level, and signs Annual Governance Statement together with the Council Leader.

Corporate Management Team - approves Information Risk Policy and Corporate Risk Appetite Statement, and monitors progress via reports to Policy and Resources Scrutiny Committee.

Policy and Resources Scrutiny Committee - considers information assurance and overall management of information every six monthsyear.

Audit Committee - objectively evaluates the adequacy and effectiveness of the Council's management of information risk as a key component of its wider assurance responsibilities for risk management. Already hasHas a role in monitoring information management via PWCexternal audit follow-ups.

Senior Information Risk Owner (SIRO) - overall responsibility for information assets, understands and manages information risk, and provides assurance that all IAOs in the Council are following their responsibilities. Has a key role in maximising the effectiveness of information usage, both internally and with delivery partners. Corporate Information Governance Unit, IT Security and ICT fall within the SIRO's Service Area. Head of Performance and Property works closely with SIRO to ensure buildings security is appropriate to protect assets, and to coordinate responses to security related matters.

Information Asset Owners (IAOs) – Heads of Service responsible for the day to day use as well as the risk management of their information asset, and help the SIRO to foster a responsible attitude towards the use and protection of information. In particular, IAOs:

- identify and manage information risks associated with the particular Council information assets that they are responsible for, including Privacy Impact Assessments when necessary.
- understandmaintain an information asset register to enable understanding of what information is held, what is added and removed, how it is used, how transferred, and who has access and why.
- ensuring that information is fully used within the law for the public good, and.
- ensuring that appropriate business continuity plans are in place for their Service Area.
- implementing and regularly reviewing this information risk policy and ensuring their business areas, and the delivery partners and third party suppliers with whom they work, have in place the arrangements needed to implement and maintain an effective information risk management policy.
- providing written input annually to the SIRO on the security and use of their assetinformation assets.

The IAO may wish to appoint Information Asset Custodians/Service Area Liaison Officers to work on their behalf, taking day to day oversight of assets and reporting back to the IAO on the changes to risks. Directorate Information Governance Stewards will also provide support to the IAO, but the IAO will retain the overall responsibility.

Corporate Information Governance Unit - based in the ICT Services Section of Corporate Services Directorate, the team aims to advise on information management to deliver service benefits and efficiency savings, reduce information risk and facilitate compliance with information legislation.

Directorate Information Governance Stewards – the Stewards, along with their service area networks, support their directorate in all aspects of information governance, including advice and communication, training, information security, records management, data quality, and information systems (IT and hard copy). The Stewards contribute to the work of the Information Governance Project Team.

Information Assurance Risk Management Process

1.1   Risk management encompasses the following stages: Risk Identification, Risk Assessment, Risk Monitoring and Escalation.

1.2   A Risk Register that provides enough information to explain risk management decisions will enable the IAO to monitor and manage the overall risks within their Service Area. A partially completed risk register template that you can amend to fit your Service Area can be found in Annex C.

1.3   In order to complete it1.3   For new initiatives that involve personal data, or for higher risk ongoing initiatives, a Privacy Impact Assessment will supplement the overall Service Area Information Risk Register. The learning acquired by following the procedure described below can be applied to the process of completing a PIA.

1.4   In order to complete the Information Risk Register template you will need to look at the information in each column and consider the extent to which it is true in your location and provide an appropriate risk rating. *You must include any additional risk descriptions with Service Area specific risks, causes and mitigating actions and also include the possible consequences of the risk being compromised where necessary.*

Stage 1 - Risk Identification:

1.45   Situations where risks must be identified may take many forms, for example:

- Preparation to develop a new Information Communication Technology (ICT) based or paper-based information system, or

- Work to address a change of requirement, etc

1.56   The starting point in these examples is risk analysis: being clear on what information assets fall within scope of the assessment and the importance of those assets to the Council (or the impact of loss of confidentiality, integrity or availability).

1.6   If the7 The Service Area has anArea's Information Asset Register in place, this can be used towill help to identify the different types of information assets held and to provide direction on the risk to the organisation that a loss / compromise of that asset would have. Please contact your Directorate Information Governance Steward for further information. Some examples of information assets are:

- Staff and HR Details

- Client records and reports

- Financial information

- Caseworking files

1.78   Once you have considered the information assets that might be at risk you need to identify the 'risk description' which key risks posed to this information. If personal data is contained in the forminformation asset, a Privacy Impact Assessment is a useful tool to identify risks that cannot be avoided. In the compromise / loss might take. The following suggestionstemplate in Annex C, seven key risks are some of the factors that you might want to consider as 'risk descriptions' - this list is only for guidance andidentified, but you might identify different or additional risks that are more appropriate in your own Service Area:.

- Inappropriate disclosure of personal material

- Theft, loss or unauthorised access to information (paper records should be considered as well as electronic and systems)

- Ineffective or insecure information sharing

- Records retained for the wrong length of time

- Failure to create or locate reliable records as evidence of business decisions and activities

Page 43

- Poor management of information risk

1.89 Once you have identified the 'risk description'key risks, the next step is to identify the organisations, people or events that posecan cause a threat to your information assets. The following are just a few of the possible causes of information loss / compromise but you need to consider which of these are true in your Service Area and update the Risk Register to reflect this:

- Lack of awareness and training

- Absence of information sharing agreements

- Password sharing

- Documents sent to incorrect address or lost/compromised during transmission

- Dishonesty

- Inappropriate storage

- Records retained unnecessarily result in large volumes of data to be searched.

- Unavailability of business continuity plans

Stage 2 - Assessing the Scale of Risk:

1.910 Assessing a risk involves evaluating two factors, these are:
- The Impact to the Council wherewere the compromise/loss to occur, and
- The Likelihood of the risk being realised, taking into account the working environment and past experience.

1.1011 The assessment of these factors helps you to decide on the overall severity of each risk, thiswhich means that they can be prioritised and resources focused on the most serious.

1.1112 The table below illustrates what score isthe scores attached to each level for both impact and likelihood. Once you have decided on the scores they are multiplied together to give the overall risk score.

1.1213 For example:
- A risk is determined to have a 'significant detrimental effect in the long term' would have a score of High (4).
- ItIf it is then judged that the likelihood of this occurring is unlikely giving, a score of Low (2).) could be given.
- This is multiplied to give a total risk score of 8.
- This score, which is then used to determine if the risk needs escalating.

Page 44

10

Scale	IMPACT	LIKELIHOOD
5 Very High	Prevents achievement of the Council objectives or has highly damaging impact on the Council operational effectiveness or reputation.	> 80 % **Almost Certain**
4 High	Significant detrimental effect on achievement of the Council corporate objectives in the longer term. Media criticism.	51 – 80 % **Probable**
3 Medium	Impacts at Service Area level on elements of efficiency, output and quality which impacts on the outcome of long term the Council corporate objectives. Potential for negative local media coverage	21 – 50 % **Possible**
2 Low	Impact on Service Area short term goals within their objectives without affecting long term achievement of the Council corporate objectives.	6 – 20 % **Unlikely**
1 Very Low	Minor and containable impact on achievement of Service Area objectives.	< 5 % **Very Unlikely**
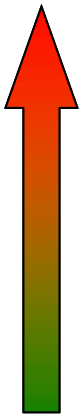
Risk scores ~~can be shown on a~~are illustrated by this matrix:
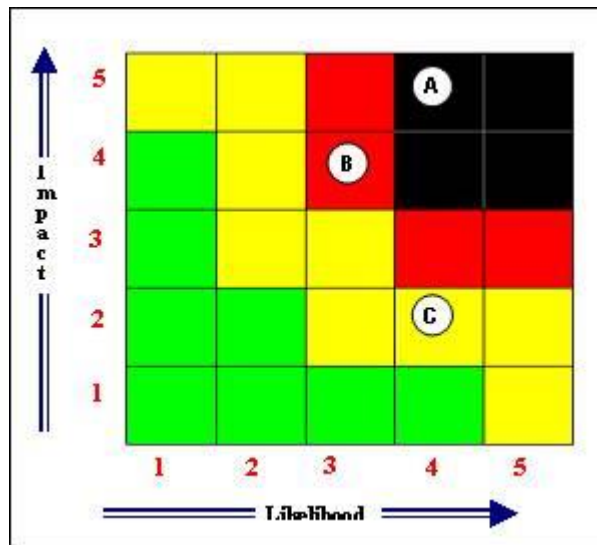
Risk **A**: *Very High* Impact (5), and *High* Likelihood (4), giving a score of 20;

Risk **B**: *High* Impact (4), and *Medium* Likelihood (3), giving a score of 12;

Risk **C**: *Low* Impact (2), and *High* Likelihood (4), giving a score of 8.

1.~~13~~14 The risk scores are used to decide if the level of risk is acceptable, or if further action to mitigate is required, (e.g. controls, escalation and/or contingency plans).

Stage 3 - Managing the risk:

1.~~14~~15 *There are generally four options that the IAO must consider when deciding how to manage the identified risk.*

1.~~15~~16 The first one is 'treating the risk' which is done by applying one or more ~~Information Assurance~~information assurance controls, for example training, to reduce the likelihood of the risk

Page 45

11

being realised or lessen the impact if the risk is realised. Examples of these controls ~~could be:~~are given in the template in Annex C.
- ~~Implementing best practice in the Council's Retention and Disposal Guidance~~
- ~~Investigation of incidents and lessons learned~~
- ~~Training and awareness~~
- ~~Putting in place suitable business contingency plans~~

1.~~16~~17 The second option is 'removing the risk', ~~this~~which is done by finding another way to achieve a Service Area objective.

1.~~17~~18 Another possible option to consider is 'transferring the risk,' for example by outsourcing services. ~~It is important to recognise that~~However even if it is possible to transfer responsibility for managing a risk ~~to an organisation other than the Council~~elsewhere, the consequences of a risk will rest wherever the business impact associated with it being realised is felt, and legal responsibility will usually remain with the Council. *~~The~~Therefore if services are outsourced, the legal basis for sharing information and appropriate contractual arrangements must be in place.*

~~1.18~~1.19   Finally the IAO could decide that 'tolerating the risk' is the most appropriate ~~—~~action. This is usually done where:

- the financial cost of mitigation is too great,
- where the likelihood of the risk being realised is low,
- where the impact on the Council if the risk is realised is low or else
- where the business benefit is high.

Stage 4 – Monitor and Escalate:

1.~~19~~20 An ongoing programme of periodic monitoring, inspection and testing is required which ~~validates and~~ provides evidence that the information assurance controls used to manage risks remain effective.

1.~~20~~21   An annual Information Assurance Compliance Statement is compiled by the SIRO, giving assurance that <u>Information</u> Risk Registers are in place.

1.~~21~~22   In addition to this the IAO must carry out a ~~quarterly~~six monthly review of the information risks. As well as existing risks that have already been identified, the review must also consider forthcoming potential changes in services, technology and threats. Reviews must be discussed at Service Area level and minuted.

~~1.22~~1.23   If a risk hits a certain score it must be escalated to a specific management level, following expedited consultation with Divisional/Senior Management Teams. This is set out below;

- **High   (I/L20 - 25)   Corporate Management Team (CMT) and SIRO**
- **Med   (I/L 9 - 19)   the Council SIRO through the Corporate Information Governance Unit**
- **Low   (I/L 1 - 8)   Information Asset Owner**

1.~~23~~24 How does it work in practice? The description below illustrates the step by step process.

- Step 1 (Risk registration) - Any new risk which has a collective impact/likelihood score of 9 or above, or an existing risk being managed at Service Area level whose collective score for impact and likelihood is/becomes 9 or above, must be escalated to the Council SIRO via Corporate Information Governance Unit on x4322.

- Step 2 (Risk acceptance) - The SIRO will review any proposed new risks and make a decision on whether to accept, reject or transfer the risk to a new owner. The SIRO will also agree that the scoring is appropriate, the mitigating actions, target dates and risk owner.

- **Step 3 (Escalation to CMT)** - Any new/existing risks which are identified as having an impact/likelihood score of 20 or above will be escalated via the SIRO to Corporate Management Team. These risks will require an accompanying action plan (or risk treatment plan) setting out in detail the full risk, the controls in place, the proposed mitigating controls and a detailed timeline to completion. Additionally, IAOs will be required to provide updates on these significant risks.

- **Step 4 (Closure)** - Risks with a score of 20+ which are tabled for closure will need to go to CMT with an accompanying closure report (which may be an updated action plan, outlining all of the mitigations which are in place, the target score which has been achieved and any residual risk).

1.2425 It is worth remembering that when risks are escalated and assessed at the next management level, that the level of impact is likely to be moderated as objectives and responsibilities widen. Therefore, a risk identified at Service Area level may often (although not in all cases) have a lower impact upon the overall Council business objective.

Annex C

Information Risk Return ~~and Risk Register~~ for *[insert either 1 March – 30 Aug or 1 Sept - 31 Feb]*[i1]

IAO name		**Signature**	
Service Area		**Date**	
Directorate			
I have reviewed the information risk register for my service area.	Yes/No		
I can confirm that the risks are:	The same as the last period/have changed since the last period. (If changed, please modify Info Risk Register, and submit to SIRO.)		
I can confirm that the impact/level of the risks are:	The same as the last period/have changed since the last period		
If the impact/level of the risks have changed, please describe.			
I can confirm that the active controls are:	The same/have changed		
If the active controls have changed, please describe.			
I can confirm that the proposed controls:	Have/have not been implemented		
If the proposed controls have been implemented, the impact/level of risk has changed to:			

A greener place
Man gwyrddach

CAERPHILLY
COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL
CAERFFILI

If the proposed controls have not been implemented, please describe why not, and outline plans for actioning the proposed control.	
I can confirm that any new work programmes have been assessed for information risk and reflected in this return.	Yes/No

Notes on reviewing the information Risk Register

1.1   IAOs must review information risks on a regular basis and, where appropriate, escalate any risks to the SIRO. At each review consider if existing risks are still relevant, achieve the same score and if new risks have emerged. Even where risks remain the same, it is likely that controls and contingency plans will require updating

1.2   Where an operationally significant risk has been identified the IAO will need to describe the mitigating actions that will be put in place and then assess the residual risk rating, taking into account the additional measures that are being proposed. When the review of the Risk Register is carried out the IAO must take into account when the mitigating actions have been carried out so they can be entered onto the register as control measures.

1.3   As well as existing risks that have already been identified, the review must also consider forthcoming potential changes in services, technology and threats that may give rise to new risks.

1.4   Please complete and submit the information risk return together with the updated Service Area Risk Register to the Senior Information Risk Owner (SIRO) by emailing both documents to Corporate Information Governance Unit at 'Information Unit' address.

Information Risk Return dates *[1 March – 30 Aug or 1 Sept - 31 Feb]*[j2]

Service Area:………………………………………….

Risk Owner – Head of Service (IAO)

Risk 1: Inappropriate disclosure of personal data		Active Controls				Proposed controls	
Cause	**Effect**	Last Period		Current		Target	
		I	**L**	**I**	**L**	**I**	**L**
Lack of identification of those information assets containing personal data and sensitive personal data. Lack of awareness training. Absence of Information Sharing Protocols (ISPs) or other agreement (e.g. memo of agreement). Failure to double-check contents proposed for disclosure (including data sitting behind Excel or Word docs). Advice on disclosure of information is not sought from line manager and/or Corporate Information Governance Unit.	Serious and unwarranted damage and distress to individuals Breach of DPA and infringement of privacy Regulatory, court action or financial penalties Damage to reputation and integrity Cost and resources required to investigate						

Risk 2: Theft, loss or unauthorised access to information (electronic and system related)		Active Controls	Proposed controls
Cause	**Effect**	Last Period Current	Target

16

Cause	Effect	Active Controls		Proposed controls
		Last Period	Current	Target
		I	L	I	L	I	L
Inadequate access and permissions management Password sharing Poor information asset management - network drive and e-mail Dishonesty Emails sent to wrong address or lost / compromised during transmission Inadequate business continuity planning	Serious and unwarranted damage and distress to individuals Breach of DPA and infringement of privacy Regulatory, court action or financial penalties Damage to reputation and integrity Cost and resources required to investigate Cost of recreating / retrieving information			

Risk 3: Theft, loss or unauthorised access to information (paper based)		Active Controls		Proposed controls
Cause	**Effect**	Last Period	Current	Target
		I	L	I	L	I	L
Documents stored in damp conditions, not rat-proof and damaged beyond repair Documents not filed correctly and not available to be retrieved Dishonesty / sabotage Carelessness Tidy work area not enforced Documents posted / faxed to wrong address or lost / compromised during transmission Incorrect shredders (ribbon) used for document destruction Records being transferred to new location as a result of rationalisation of Council buildings	Serious and unwarranted damage and distress to individuals Breach of DPA and infringement of privacy Regulatory, court action or financial penalties Damage to reputation and integrity Cost and resources required to investigate Cost of recreating / retrieving information			

Risk 4: Ineffective or Insecure Information Sharing internally and externally				
Cause	**Effect**	**Last Period**	**Current**	**Target**
		I | L	I | L	I | L
ISPs / agreements not in place or not comprehensive enough Failure to share the right information with the right people at the right time Failure to meet the FOI Compliance rate Lack of awareness of what information is held and therefore when/where it could be beneficially shared Shared information is not stored securely (paper or electronic)	Information used for purposes other than those agreed Serious & unwarranted damage and distress to individuals Breach of DPA and infringement of privacy Damage to reputation and integrity Information not shared prior to the departure of staff - knowledge not retained Loss of business continuity			

Risk 5: Records retained for the wrong length of time		**Active Controls**	**Proposed controls**	
Cause	**Effect**	**Last Period**	**Current**	**Target**
		I | L	I | L	I | L
Information not covered by retention policy; particular attention to be paid to European funded programmes, which need to be retained for 13+ years after the end of programme. Lack of awareness	Breach of DPA, FOI & Public Records Act Breach of other requirements for the retention of records Unnecessary cost of storage of physical and			

18

Cause	Effect	Active Controls				Proposed controls	
		Last Period		Current		Target	
		I	L	I	L	I	L
Lack of motivation to file records appropriately and regularly Dishonesty / sabotage Records retained 'just in case'. Lack of awareness of what information is held and therefore when it should be disposed of. Reduction in staff / staff not replaced results in increased workload – could impact on ability to archive / destroy records	electronic information Inability to protect Council's best interests in cases of litigation because relevant records have been destroyed or can't be found Premature destruction seen as an attempt to prevent disclosure Regulatory, court or financial penalties Damage to reputation and integrity						

Risk 6: Failure to create or locate reliable records as evidence of business decisions and activities

Cause	Effect	Active Controls				Proposed controls	
		Last Period		Current		Target	
		I	L	I	L	I	L
Records not created in the first place that documents key decisions and activities **Records retained unnecessarily result in large volumes of data to be searched if information is requested** **Electronic records (network drives and e-mail) not stored / saved correctly.** **Physical records not stored in their correct location** **Electronic and physical filing not carried out regularly.**	Breach of DPA and FOI Records required for evidential purposes (i.e. in court) will not be available Inability to defend the Council in any legal action Critical information can't be found or takes too long to find when needed						

Risk 7: Information assets, including vital records, lost as a result of fire, flood, server failure, a power loss etc.

Cause	Effect	Active Controls				Proposed controls	
		Last Period		Current		Target	

		I	L	I	L	I	L
Vital records not identified in local business continuity plan Business continuity plans are not in place	Vital records may be destroyed Unable to access information with potential legal & financial consequences Significant investment required in the case of a major incident or failure Business continuity affected						

Risk controls:

Service Areas need to:
- Review causes and effects of the risks to check whether they need to be adjusted.
- Review the active controls to make sure they are still in place and effective.
- Review the proposed controls to check whether they can be moved across to active.
- Add new active and proposed controls as applicable, bearing in mind any corporate controls suggested at IGPT.
- Finally review scoring to check whether the changes you have made enable you to score lower in likelihood and/or impact.

Suggested active controls

	Date actioned	Risk 1	Risk 2	Risk 3	Risk 4	Risk 5	Risk 6	Risk 7
Reminder to staff to comply with Corporate Risk Management Policy and Risk Appetite Statement.								
Reminder to staff to comply with information request policies (FOI, EIR and Subject Access Requests)								
Reminder to staff to comply with IT Security and Data Protection policies.								
Awareness raised of Data Breach Reporting Procedure.								
Awareness raised of need for Privacy Impact Assessments								

20

Control								
Awareness raised of guidance on ensuring Word / Excel do not contain hidden data on IG intranet.								
Awareness raised of File Naming Conventions on IG intranet.								
Awareness raised of Record Retention and Disposal Policy, including use of Council approved confidential waste supplier.								
Seek retention advice from Corporate Information Governance Unit as required.								
Relevant staff aware of the need to retain European funded programme documentation until WEFO authorise disposal.								
Awareness raised of guidance on Email Good Practice and How to Manage Email within Outlook on IG Intranet.								
Information Asset Register completed.								
Vital Records identified as part of the Information Asset Register and included in Business Continuity Plan								
Regular [give frequency] Protecting Information e-learning for all staff completed.								
Protecting Information (paper version) provided to non-pc user staff on a regular [give frequency] basis.								
Data Protection / FOI /CCTV / Records Management training attended.								
Staff who share information to undertake on-line Information Sharing Training on All-Wales Academy website								
Need for Information Sharing Protocols or other agreements considered.								
Only encrypted removable media (e.g. laptops, smartphones and USB sticks) will used.								
Use of secure email systems – GCSx and Egress considered.								
Documents stored in appropriate containers and kept in safe, dry conditions.								
Inventory of archived records and their location being undertaken, and records that have passed retention period disposed of.								
Only cross-cut shredders used – all ribbon-cut shredders replaced.								
Add any additional controls relevant to your Service Area								

Suggested proposed controls

	Target date	Risk 1	Risk 2	Risk 3	Risk 4	Risk 5	Risk 6	Risk 7
Review storage of vital records								
Tidy work area to be enforced, leading to regular filing of physical records.								
Raise awareness of importance of keeping records, one of the organisation's most important resources, correctly.								
Raise awareness of staff of the Public Service Ombudsman's new Principles of Good Administration and Records Management, in particular the two new principles on records management (in IGPT W drive folder).								
Allocate time for staff to review records starting with offices and Council Records Centres with a view to disposal, including offering to Glamorgan/Gwent Archives, and make sure the Council's retention schedules are followed and disposal documented in case of future challenge. Once hard copy records are dealt with, follow same process for electronic records, and maintain this house-keeping in future.								
Remind all staff to double-check address details (email and hard copy) – significant number of breaches still being reported in this area.								
Review Information Asset Registers								
CCTV review								
WASPI Facilitator trained for Service Area								
Raise awareness of new 2 min DPA training and new IG intranet								
Raise awareness of Data Controller and Data Processor Agreements								
Identify records requiring long-term retention that are held electronically, so that digital preservation requirements can be considered								
Add any additional proposed controls relevant to your Service Area								

22

**POLICY AND RESOURCES SCRUTINY COMMITTEE –
3RD OCTOBER 2017**

SUBJECT: DYNAMIC PURCHASING SYSTEM FOR THE PROVISION OF GENERAL
             BUILDERS

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151
             OFFICER

1.   PURPOSE OF REPORT

1.1   To provide members with an update in relation to the Council's Dynamic Purchasing System
        (DPS) for the Provision of General Builders.

2.   SUMMARY

2.1   The Council established the DPS for the Provision of General Builders in March 2017 in
        accordance with the EU Procurement Directives 2014, UK Public Contract Regulations 2015
        and the Council's Standing Orders for Contracts ('SOfC'). The Council also sought external
        legal advice and guidance from Blake Morgan LLP during the pre-planning phase of the
        process.

2.2   The purpose of the DPS is to facilitate the Council's general building requirements by running
        mini competitions with those Contractors established on the DPS. This will allow the Council
        to identify Contractors to undertake packages of external works to the Council's housing stock
        in accordance with the Welsh Housing Quality Standard ('WHQS') Programme. Contractors
        will be required to provide a range of external works linked to general building disciplines.
        The specific works that maybe procured under the DPS for these external works will be
        available via the mini competitions and associated documentation.

2.3   It was anticipated that the DPS will predominately be used in the Lower Rhymney Valley,
        however it is also important to note that the Council has reserved the right to utilise the DPS
        for any internal and external general building requirements covering any Housing, Public
        Buildings and Learning & Educational establishments located within the County Borough. The
        decision to establish the DPS will assist the Council in proactively managing any potential
        capacity issues, which have previously been identified within the WHQS programme when
        utilising traditional frameworks and other arrangements. The Council published within the
        associated procurement documentation that Contractors should note that admission onto the
        DPS is not a guarantee of any award of contracts and there is also no guarantee of volume or
        value of contracts to be let via the DPS.

2.4   The establishment of the DPS also allowed the Council the opportunity to trial the use of a
        'passport to trade' process with Contractors. The purpose of the 'passport' process is to
        streamline and alleviate the need for Contractors frequently submitting repeat qualifying
        information such as but not limited to Health & Safety and Insurance documentation whilst
        tendering for various opportunities for works of a similar nature.

3.   LINKS TO STRATEGY

3.1   **The Well Being of Future Generations (Wales) Act 2015** contains 7 well-being goals. When making decisions the act requires public bodies in Wales, including local authorities, to take into account the impact they could have on people living their lives in the future.

3.2   **Improving Lives and Communities: Homes in Wales (Welsh Government, 2010)** which sets out the national context on meeting housing need, homelessness, and housing-related support services.

3.3   **Caerphilly Delivers (Single Integrated Plan, 2013-2017)** "Improve standards of housing and communities, giving appropriate access to services across the county borough."

4.   THE REPORT

4.1   In essence a DPS is a formal and fully advertised select list of Contractors who will have the opportunity to bid for Council opportunities via mini competitions. The DPS will be continuously 'live' in the market place for a period of three years from 1st April 2017 to 31st March 2020 and new Contractors can apply to join the DPS throughout its validity period subject to meeting the Council's pre-qualification criteria. Furthermore and in accordance with Procurement legislation the DPS process i.e. the pre-qualification stage and all mini competitions must be fully electronic and this is managed via the Council's e-tendering system, Proactis Plaza.

4.2   The DPS opportunity was originally advertised via Sell2Wales and published within the Official Journal of the European Union (OJEU ref: 2017/S 036-064683) on 21 February 2017 utilising the restricted procedure. The opportunity was also advertised via the numerous communication channels listed below and these will continued to be used during the validity period of the DPS:

- Caerphilly Procurement Twitter Account;
- Caerphilly Business Support Twitter Account;
- Construction Futures Wales Database;
- Federation of Master Builders Database;
- Proactis Plaza; &
- Constructionline Notice Board.

4.3   A memorandum of understanding (MoU) and guidance document has been produced and made available for all Contractors (please refer to appendix 1 of this report for the latest copy of the MoU). The MoU is an important document and clearly sets out how the Council proposes to manage the process throughout the validity period of the DPS.

4.4   Briefing events were held on 16 February 2017 via the Council's Supplier Relationship Officers (SRO) with fifty-three (53) Contractors and representation from Welsh Government's Construction Future Wales attending the events. Council representatives from WHQS and Procurement facilitated the events providing advice and guidance on the mechanisms of the DPS together with an overview of the Council's immediate general building requirements. Furthermore individual one-to-one meetings were offered by the SRO to assist Contractors with gaining a wider understanding of the concept and process. This support will be available to existing and any new Contractors during the validity period of the DPS.

PRE QUALIFICATION STAGE

4.5   Over a number of years the Council has actively promoted the use of Constructionline for works contracts, therefore in order to simplify the pre-qualification process for Contractors the Council utilised certain aspects of the Constructionline registration process and specifically the Building General or Building Refurbishment over £15K categories. Furthermore and in accordance with the principals of open, fair and transparent procurement, the Council also

considered Contractors who are not Constructionline registered for the Building General or Building Refurbishment over £15K categories and pre-qualification criteria was set accordingly. It was agreed by the project team that this approach would be the adopted process for the validity period of the DPS.

4.6   The structure of the pre-qualification stage is split into four (4) sections and includes the following:

- **Section A**: Essential Criteria Compliance, Mandatory Completion for all Contractors including Supply Partner Key Components List and Charter for Trust to be completed by all Contractors (pass/ fail);
- **Section B**: to be completed by <u>Constructionline Accredited Contractors only</u>, Building General or Building Refurbishment over £15K categories (pass/fail);
- **Section C**: to be completed by <u>Non Constructionline Accredited Contractors only</u>, Building General or Building Refurbishment over £15K categories (pass/ fail);
- **Section D**: DPS Pre-Qualification Declaration to be completed by all Contractors (pass/fail).

4.7   Contractors have a period of thirty (30) days to apply to join the DPS. Subsequently all Contractors need to pass all criteria (pass/ fail) to be established onto the DPS and have an opportunity to bid for packages of work via the mini completions.

4.8   Currently there are sixty-eight (68) Contractors established on the DPS and the following should be noted:

- Sixty-three (63) Contractors are defined as local Contractors in accordance with the Council's definition of local, which is *"Local spend with Contractors from within the Welsh Purchasing Consortium (WPC) area".* The WPC consisted of twelve (12) Councils covering south east Wales;
- Out of the sixty-three (63) local Contractors twenty-one (21) are based within Caerphilly County Borough.

4.9   Please refer to appendix 2 of this report which details the following information:

- Full list of Contractors established on the DPS;
- Date of joining the DPS;
- Constructionline or Non-Constructionline registered;
- Locally based (Council definition and/or Caerphilly County Borough based);
- Size of Contractor (Small Medium (SME) or Large Enterprise).

MINI COMPETITIONS

4.10   All mini competitions are administered via Officers within Procurement Services and conducted via the Council's etendering portal-Proactis Plaza and the outcome reported in accordance with the value thresholds as stated in the Council's SOfC. Subsequent contracts will be awarded upon the basis of nationally approved/ industry standard Contract Terms and Conditions such as but not limited to JCT or the NEC Family of Contracts. The exact terms and conditions for a specific requirement will be detailed within individual mini competitions and associated procurement documentation.

4.11   The award criteria for individual mini competitions shall be based on price/ cost only or price-quality ratio depending on the Council's specific requirements. The % weighting will be price/ cost only 0-100% or price-quality 0-100% split between both criteria.

4.12   Contractors may be required to consider different pricing or costing strategies as part of the mini competitions such as but not limited to pricing bills of quantities, schedules of rates and +or- adjustment against a Nationally recognised or Council specific schedule of rates.

4.13   If applicable and appropriate 'Community Benefits' and 'other initiatives' such as but not limited to training and recruitment opportunities, workforce retention, paying the living wage and community initiatives can be considered on an individual package by package basis. It is important to note that specific initiatives have not been considered in the mini competitions to date due to the urgency of the works associated with the WHQS programme. However it is important to re-emphasis the number of local Contractors established on the DPS thus having the opportunity in securing future work.

4.14   A total of eleven (11) mini competitions have been undertaken via the DPS, please refer to appendix 3 of this report for the status of each mini competition as of 31st August 2017.

PASSPORT TO TRADE

4.15   The strategy adopted for the DPS meets the fundamentals of a 'passport to trade' process. A significant number of the Contractors are Constructionline registered for the relevant categories and this information will be monitored via the Constructionline system by Officers within the Council during the validity period of the DPS. The pre-qualifying information submitted by all Contractors will be stored on the Council's existing Contracts Management Module (CMM). The CMM has functionality to enable electronic email notifications to be set against each of the Contractors to notify relevant personnel when annual certificates such as Health & Safety and Insurances are due to expire. Contractors will be supported to help ensure that annual renewal information is current and valid.

4.16   The Council's Supplier Relationship Officer will continue to offer help and advice to new and existing Contractors throughout the period of the DPS together with seeking feedback from those Contractors already established in the DPS to ensure the Council continues to receive competitive offers when undertaking mini competitions.

5.   **WELL-BEING OF FUTURE GENERATIONS**

5.1   The delivery of the WHQS improvement programme is coterminous with the aims of the wellbeing of Future Generations (Wales) act 2015, in particular:-

- **Long Term:** the report includes the continued investment to achieve WHQS by 2020. This investment provides long term improvements to the property, community and to the tenants well being.
- **Integration:** The programme looks to integrate property and environmental improvements that will benefit and transform lives and communities throughout the borough. It further brings together a variety of stakeholders to deliver long term sustainable benefits for lives and communities.
- **Involvement:** Tenants and local residents are being consulted on the proposed property improvements, environmental works along with various initiatives that are part of the WHQS programme delivery.
- **Collaboration:** The programme delivery is focussed on internal collaboration, partnerships with suppliers and contractors, joint working with the community and various groups. The delivery of community benefits and tenant engagement by all involved with the WHQS programme is a key focus and is clearly demonstrable within its delivery.
- **Prevention:** The works to improve lives and communities will help tackle local unemployment. It will further improve the look and feel of the environment and help prevent anti-social behaviour.

6.   **EQUALITIES IMPLICATIONS**

6.1   An Equality Impact Assessment screening has been completed in accordance with the Council's Strategic Equality Plan and supplementary guidance and no potential for unlawful discrimination and/or low level or minor negative impact have been identified, therefore a full EqIA has not been carried out.

7. FINANCIAL IMPLICATIONS

7.1 A total of eleven (11) mini competitions have been undertaken via the DPS with an estimated value of £8.5 million. Please refer to appendix 3 of this report for the status of each mini competition as of 31st August 2017 and the individual estimated value of the packages of works.

7.2 The indicative overall accumulative value of the external works packages for the Lower Rhymney Valley is estimated at £16 million; however this is subject to change.

7.3 All Contracts awarded via the DPS mini competitions will be approved in accordance with the value thresholds as stated in the Council's SOfC and ongoing spend monitoring will be managed via the Council's Contracts Management Module. The status of WHQS contracts will be reported to representatives of the WHQS Project Board on a regular basis.

8. PERSONNEL IMPLICATIONS

8.1 There are no personnel implications.

9. CONSULTATIONS

9.1 The report reflects the views of the consultees.

10. RECOMMENDATIONS

10.1 There are no specific recommendations within this report, however members are asked to note the content of the report in relation to the Council's Dynamic Purchasing System (DPS) for the Provision of General Builders.

11. REASONS FOR THE RECOMMENDATIONS

11.1 Information report only.

12. STATUTORY POWER

12.1 Local Government Act 1972, The European Union Treaty & Directive made thereunder, Public Contract Regulations 2015.

Author: Elizabeth Lucas, Head of Procurement and Customer Services.
Consultees: Councillor Barbara Jones, Deputy Leader and Cabinet Member for Finance, Performance and Governance;
             Councillor Colin Gordon, Cabinet Member for Corporate Services;
             Councillor Lisa Phipps, Cabinet Member for Homes and Places;
             Nicole Scammell, Acting Director of Corporate Services & Section 151 Officer;
             Christina Harrhy, Corporate Director Communities;
             Shaun Couzens, Chief Housing Officer;
             Marcus Lloyd, WHQS and Infrastructure Strategy Manager;
             Ian Evans, Contracts Manager, Procurement Services;
             Derek Morris, Principal Procurement Officer, Procurement Services;
             Natasha Ford, Supplier Relationship Officer, Procurement Services;
             Jemma Ford, WHQS Supplier Relationship Officer, Procurement Services;
             Rebecca Francombe, Buyers Assistant, Procurement Services.

Background Papers:
CCBC/PS1490/17/DM;
EU Procurement Directives 2014;
UK Public Contracts Regulations 2015;
Caerphilly CBC, Standing Orders for Contracts.

Appendices:
Appendix 1:   Memorandum of Understanding (MoU) and Guidance Document;
Appendix 2:   Full list of Contractors on the DPS;
Appendix 3:   Status of Mini Competitions up to 31 August 2017.

Procurement Services on behalf of Caerphilly County Borough Council

MEMORANDUM OF UNDERSTANDING &
GUIDANCE DOCUMENT FOR
A DYNAMIC PURCHASING SYSTEM (DPS)
FOR
THE PROVISION OF GENERAL BUILDERS

DPS Ref: CCBC/PS1490/17/DM

Period of Three (3) Years from 1 April 2017 to 31 March 2020

Version 3 – 7 March 2017

CONTENTS

BACKGROUND AND INSTRUCTIONS TO CONTRACTORS

BACKGROUND AND INSTRUCTIONS TO CONTRACTORS

1.   General

1.1   Caerphilly County Borough Council ('the Council') is seeking to establish a Dynamic Purchasing System ('DPS') for the Provision of General Builders. This memorandum of understanding & guidance document is provided to assist Contractors who wish to join the DPS.

1.2   A DPS is similar to a Framework, however new Contractors are permitted to join the DPS at any time during the validity period of the DPS subject to meeting the Council's pre-qualification criteria, which are available via the Council's e-tendering portal-Proactis Plaza, please refer to section 9 of this document for further information. Contractors should note that admission onto the DPS is not a guarantee of any award of contracts. There is also no guarantee of volume or value of contracts to be let via the DPS.

1.3   The DPS for the Provision of General Builders will facilitate the Council's immediate requirements by running mini competitions with those Contractors established on the DPS. This will allow the Council to identify Contractors to undertake separate packages of external works to the Council's housing stock in accordance with the Welsh Housing Quality Standard ('WHQS') Programme. The proposed separate packages of works will be undertaken in the Lower Rhymney Valley of the County Borough and Contractors will be required to provide a range of external works general building disciplines. The specific works that maybe procured under the DPS for these external works cannot be clearly defined at this stage, however full details will be available via the mini competitions and associated Invitation to Tender documentation. The indicative overall accumulative value of the external works packages for the Lower Rhymney Valley is estimated at 16 000 000.00 GBP. However it should be noted there is no guarantee of volume of packages of work or value of contracts to be let via the DPS.

1.4   In addition the Council via the Direct Labour Organisations ('DLO') also requires general builders on a primary and secondary basis to support the DLO across a range of general building disciplines. The specific requirements that maybe procured under the DPS for these works cannot be clearly defined at this stage, however full details will be available via a mini competition and associated Invitation to Tender documentation. The indicative overall accumulative value for this requirement is estimated at 1 000 000.00 GBP. However it should be noted there is no guarantee of volume of work or value of contracts to be let via the DPS.

1.5   All Contractors who are established on the DPS will be invited to participate in future mini competitions providing that they continually meet the DPS pre qualification criteria for the validity period of the DPS.

1.6   For the purpose of this memorandum of understanding & guidance document Contractors means all Organisations, Applicants and Bidders who are applying to join this DPS and if successful those Contractors who will participate in future mini competitions in accordance with the terms and conditions of this DPS.

1.7   The Council reserves the right to utilise the DPS for any internal and external General Building requirements covering any Housing, Public Buildings and Learning & Educational Establishments located within the County Borough of Caerphilly. Contractors will be required to provide a range of General Building disciplines. The

specific works that maybe procured via the DPS cannot be clearly defined at this stage, however full details will be available via the mini competitions and associated Invitation to Tender documentation.

1.8 The procurement is to be processed in accordance with the Public Contract Regulations 2015 (the Regulations) in line with the Restricted Procedure Regulation 28 and Dynamic Purchasing Systems Regulation 34.

1.9 The Council reserves the right to cancel the DPS process at any point. The Council is not liable for any costs resulting from any cancellation of this DPS process or for any other costs incurred by those Contractors applying to join this DPS.

1.10 You should ensure that your company is registered on www.sell2wales.gov.uk as non registered companies will impact the award processes should they be successful.

1.11 All communication for this process will be conducted via the Council's e-tendering portal-Proactis Plaza. It is the Contractors responsibility to ensure your contact details within the Council's e-tendering portal-Proactis Plaza are accurate. If you have any questions or require any clarifications these must be submitted via the 'Messaging' function within the portal as soon as possible and in any case received no later than seven (7) days before the due date of Applications. Any questions received after this date may not be answered.

1.12 Other than the person or persons identified in Section 17 of this document, no Council employee or member of the Council has the authority to give any information or make any representation (express or implied) in relation to this process or any other matter relating to this DPS.

1.14 Please note that the Council's responses to any queries or clarification requests may, at the Council's discretion, be circulated to all Contractors.

1.15 The Council reserves the right to issue supplementary documentation at any time during the process to clarify any issue or amend any aspect of this document. All such further documentation that may be issued shall be deemed to form part of the DPS and shall supplement or supersede any part of the DPS to the extent indicated. This additional documentation shall be submitted to Contractors via the Council's e-tendering portal-Proactis Plaza. It is Contractors responsibility to check the system for this information.

1.16 Contractors must obtain for themselves at their own expense all information necessary for the preparation of their Applications to join the DPS.

1.17 Under the DPS the Council will require compliance with its policies and procedures and Contractors are advised and encouraged to satisfy themselves that they understand all of the requirements of the DPS before submitting their Application.

1.18 Applications to join the DPS must be received in accordance with the relevant instructions no later than the time and date indicated.

1.19 Admission onto the DPS is not a guarantee of any award of contracts. There is also no guarantee of volume or value of contracts to be let via the DPS.

1.20 The Council reserves the right to terminate this procedure and cancel the DPS at any given time. Additionally, if you are successful in being selected to enter into the DPS,

the Council reserves the right to terminate the selection, if at any time it is discovered that the Contractor made any material misrepresentation and/or have not notified to the Council about any material changes in relation to the information provided in the Application process.

1.21 **Warning**

Please note that the following warning applies in connection with this DPS and any subsequent contracts awarded by any Council in connection with this DPS. It is a criminal offence, punishable by imprisonment, to give or offer any gift or consideration whatsoever as an inducement or reward to any servant or member of a public body.

2. CONDITIONS OF THE DPS

2.1 In order to assess all Contractors' suitability to join the DPS, it is important that you fully answer all pre qualification questions via the Council's e-tendering portal-Proactis Plaza https://supplierlive.proactisp2p.com/Account/Login.

2.2 You are advised to read all guidance notes within this document and the Council's e-tendering portal-Proactis Plaza, as failure to complete the relevant sections of the pre qualification requirements in full or to provide the information requested may invalidate your Application.

2.3 Unless specifically requested you will not be required to submit supporting documentation as evidence, such as company or marketing literature. Any such material submitted will be ignored. However, you may be asked to confirm that should such evidence be required during the validity period of the DPS, it will be made available to the Council promptly on request. Please note that the Council will keep any documents submitted by your organisation. Any original documents submitted will not be returned. For your own records, you are advised to keep a copy of all documents submitted.

2.4 It is the Contractor's responsibility to ensure that all information required is supplied and accurate. Any changes that could affect any of the answers contained within this questionnaire must be notified to the Council as soon as reasonably practicable.

2.5 Any information submitted in response to this questionnaire must relate to the applying Contractor only. Applications must be completed in the English language or a full English translation provided at no cost to the Council.

2.7 Only one Application is permitted from each Contractor. In the event that more than one is submitted by a Contractor the one with the latest time of submission will be evaluated and the other(s) disregarded.

2.8 All submissions must be made by a person who is authorised to commit the Application to the DPS.

2.9 Your full registered business / name and main office address must also be provided.

2.10 In the event that Contractors believe that they are unable to submit an Application via the Council's e-tendering Proactis Plaza portal or require assistance or further information to be able to use the e-tendering process they must contact the Council no later than seven (7) calendar days before the closing date for the DPS Application Form deadline to enable any technical queries to be investigated and resolved.

2.11   The qualifying criteria for the DPS must be maintained through the Council's e-tendering portal-Proactis Plaza during the validity of the DPS. Failure to do this will result in a Contractor being removed from the DPS.

2.12   Applications from Contractors to join the DPS must be received in accordance with the relevant instructions no later than the time and date indicated.

2.13   Admission onto the DPS is not a guarantee of any award of contract for works. There is also no guarantee of volume or value of contracts let via the DPS.

3.   VALIDITY PERIOD OF THE DPS

3.1   The procurement is to be processed in accordance with the Public Contract Regulations 2015 (the Regulations) in line with the Restricted Procedure Regulation 28 and Dynamic Purchasing Systems Regulation 34. The Council intends the DPS to run from 1 April 2017 to 31 March 2020. The Council reserves the right to extend or shorten the DPS validity period at its own discretion.

4.   CONSORTIA AND SUB CONTRACTING

4.1   If you intend to form a partnership or consortium or other grouping of more than one legal entity in order to deliver contracts via the DPS, one party must act as "prime contractor" or "lead contractor". Consortia must form a single legal entity prior to being admitted to the DPS or, if it is intended that the partners or consortium members will all apply in their own right with the Council, each of them must accept joint and several liability. This does not apply to sub-contractors at mini competition stage where the prime contractor accepts all liability for performing the contract.

4.2   Any sub contracting arrangements will be limited to a maximum of two levels. The second level can only be a maximum of twenty percent (20%) of the first level. All sub contract arrangements must ensure the flow down of terms and conditions (including payment terms) as detailed in the mini competitions invitation to tender documentation.

4.3   Where a consortium or sub-contracting approach is proposed, all information requested should be given in respect of the proposed consortium leader or prime contractor. Relevant information should also be provided (where indicated) in respect of consortium members or sub-contractors who will play a significant role in the delivery of the Council's requirements.

4.4   For the purposes of this DPS, a significant role is where the economic and financial standing and the technical or professional ability of the consortium member or sub-contractor is referred to or relied on by the Contractor in compiling its response to the DPS. Responses must enable the Council to assess which entity will be delivering which aspects of the contract.

4.5   The Council recognises that arrangements in relation to consortia and sub-contracting may (within limits) be subject to future change. Contractors should therefore respond in the light of the arrangements that are currently envisaged. Contractors are reminded that any future change in relation to consortia and sub-contracting must be notified to the Council immediately so it can assess whether the changes mean that any part of the DPS response needs to be re-assessed and /or what impact there may be on regulatory compliance.

4.6   Without prejudice to the above, the Council needs to ensure that any entity which the Council may contract with meets the financial standing requirements in the DPS. Consequently:

- Where a Contractor intends to rely on the financial standing of other entities (whether other consortium members, parent companies, group companies or otherwise), full information must be provided about those other entities.

4.7   Contractors should note that they may be asked to clarify or provide additional information. Should the information submitted by any Contractor proves to be false or in any other way substantially incorrect, the Council reserves the right to remove such Contractor from this procurement process. In the event mini competitions and associated invitation to tenders have been issued, the Council may require the contractor to return the tender documents which will be deemed void. If an error or misrepresentation is not discovered until after the contract is awarded, the Council reserves the right to terminate the contract and recover all costs incurred as a result of the termination from the contractor.

5.   DPS PRE QUALIFICATION CRITERIA & FUTURE MINI COMPETITIONS

PRE QUALIFICATION

5.1   The Council actively promotes the use of Constructionline for works contracts, therefore in order to simplify the pre qualification process for Contractors the Council will utilise certain aspects of the Constructionline registration process and specifically the Builders General or Building Refurbishment over £15K categories. The Council will also consider Contractors who are not Constructionline registered for the Builders General or Building Refurbishment over £15K categories and pre qualification criteria have been set for non Constructionline registered Contractors. It should be noted that, where a Contractor is registered for the Builders General or Building Refurbishment over £15K categories the Constructionline information will be used for pre qualification and during the validity period of the DPS.

5.2   This is an assessment of whether there is any reason why a Contractor should be excluded from the DPS. It is assessed against the Contractors response to the questions in the pre qualification stage of the process.

5.3   The evaluation of the pre-qualification stage will be based on 'Pass/Fail'. The following methodology will be used for assessing Contractors responses to the pre qualification information requested by the Council.

Pass	Information provided as required and sufficient to indicate that there would be no risk or an acceptable level of risk for the Council in awarding future contracts to the Contractor.
Fail	Information not provided or has failed to meet the Councils pre qualification requirements.

5.4   Contractors must 'Pass' all 'Pass/Fail' questions in order to be accepted onto the DPS. A fail will result in the Contractor being disqualified and not accepted onto the DPS. If any Contractor is disqualified they are able to re-apply to join the DPS during the validity period in accordance with the DPS rules and procedures.

5.5   The structure of the pre qualification stage is split into four (4) sections. These include the following:

Section A: Essential Criteria Compliance, Mandatory Completion for all Contractors including Supply Partner Key Components List and Charter for Trust;

Section B: Constructionline Accredited Contractors, Building General or Building Refurbishment over £15K categories;

Section C: <u>Non</u> Constructionline Accredited Contractors, Building General or Building Refurbishment over £15K categories;

Section D: DPS Pre Qualification Declaration.

5.6   All Contractors must complete **Sections A and D** which are mandatory requirements.

5.7   Contractors should then complete either **<u>Section B</u>** if they are a Constructionline Accredited Contractors for the Building General or Building Refurbishment over £15K categories or **<u>Section C</u>** if a Contractor is not Constructionline Registered Contractor for either of the Building General or Building Refurbishment over £15K categories.

5.8   Any pre qualification criteria stated as 'Information Only' will be used to gain a broader understanding of the Contractors business and assist in supporting the evaluation of their DPS Application but will not be scored. The Council reserves the right to seek clarification in writing from the Contractors, to assist it in its consideration of their pre qualification Applications.

5.9   Evaluation of Applications will be undertaken by officers of the Council and will follow a systematic and comprehensive process using the pre qualification criteria and Pass/Fail methodology stated above.

DPS MINI COMPETITIONS

5.10   All Contractors that meet the Council's pre qualification requirements will be established on the DPS and will be invited to participate in future mini competitions providing that they continually meet the DPS pre qualification criteria for the validity period of the DPS.

5.11   The award criteria for the mini competitions shall be based on either price or cost only or price-quality ratio. The % weighting will be price or cost 0-100% and price-quality 0-100% split between both criteria. Contractors may be required to consider different pricing or costing strategies as part of the mini competitions such as but not limited to pricing bills of quantities, schedules of rates and +or- adjustment against a Nationally recognised or Council specific schedule of rates. Future mini competitions and associated Invitation to Tender documentation will include the exact award criteria, associated weightings and pricing or costing strategy for the specific requirement.

5.12   In awarding specific contracts under the DPS, the Council may take into account (for the purpose of managing risk) the amount of work (if any) already awarded to any particular Contractor. If the Council chooses to do so, this will be set out in the tender documents for the specific contract. The criteria that will be applied in this case will be as follows:-

Contractors who have been awarded work under the DPS, which is not completed and the value of which is (cumulatively) equal to or greater than:-

- twice the contractor's notation value if the contractor is registered with Constructionline under the Building General or Building Refurbishment over £15K categories; or

- one third of the Contractor's previous turnover (based on the contractor's accounts for the most recent financial year available) for non Constructionline registered Contractors,

will not be eligible to be awarded any further specific contracts, and if they submit tenders these will be rejected. It should be noted that, where a Contractor is registered for the Building General or Building Refurbishment over £15K categories the Constructionline information will be used for this purpose.

5.13   All mini competitions undertaken via the DPS will be conducted via the Council's tendering portal-Proactis Plaza. The response time for submission of bids may vary to meet the particular circumstances and shall be declared within each mini competition. Under normal circumstances the Council will allow a minimum of ten (10) days to run mini competitions. Where timescales are less than ten (10) days the Council shall request that Contractors confirm they are in mutual agreement to reduce timescales by a deadline given by the Council. If Contractors do not respond by the deadline given by the Council, the Council will take the decision that Contractors are content to proceed with the proposed reduced timescales.

6.   TERMS AND CONDITIONS

6.1   All mini competitions undertaken via this DPS will be awarded upon the basis of nationally approved/ industry standard Contract Terms and Conditions such as but not limited to JCT and NEC Family of Contracts. Future mini competitions will include the exact Terms and Conditions of Contract.

6.2   Contractors are required to confirm as part of the pre qualification stage that they acknowledge and accept that the Council will contract via mini competitions using nationally approved/ industry standard Contract Terms and Conditions such as but not limited to JCT and NEC Family of Contracts.

6.3   The Council reserves the right to include additional conditions within specific contracts depending on the Council's requirements. Where this is the case, details of those further conditions will be included within the mini competition and associated Invitation to Tender documentation.

7.   PROCUREMENT INDICATIVE TIMETABLE

Description	Date
Publication of OJEU Contract Notice	1 February 2017
Contract documents available via Proactis Plaza	3 February 2017
Contractor DPS Briefing Event	16 February 2017
Deadline for clarifications	12:00:00 hours on 27 February 2017
Deadline for receipt of Completed Pre Qualification Questionnaires via Proactis Plaza	12:00:00 hours on 6 March 2017
Evaluation Completed Pre Qualification Questionnaires	7 March to 17 March 2017
Establishment of the DPS	1 April 2017
Contractors may apply to join the DPS	From 1 April 2017

7.1 The above timetable for the procurement is indicative only and is intended as a guide. Whilst the Council does not intend to depart from the timetable, it reserves the right to do so at any time.

8. FREEDOM OF INFORMATION ACT 2000

8.1 Contractors should note that the Council is bound by the provisions of the Freedom of Information Act 2000 ("FOIA") and the Environmental Information Regulations 2004.

8.2 If any Contractor believes that any information it provides to the Council is confidential in accordance with section 41 of the FOIA or commercially sensitive in accordance with section 43 of the FOIA, or should otherwise be protected from disclosure, the information must be marked as such and the Contractor must notify the Council as to the reasons why it believes such information is confidential or commercially sensitive or should otherwise be protected.

8.3 The Council will use reasonable endeavours (but cannot guarantee) to keep Contractors' information designated in accordance with the paragraph above, confidential. The Council will be responsible for determining in its absolute discretion whether the information provided by the Contractor is confidential or commercially sensitive and is exempt from disclosure in accordance with the provisions of the FOIA.

8.4 The Council may, acting in accordance with the Department of Constitutional Affairs' Code of Practice on the Discharge of the Functions of Public Authorities under Part 1 of the FOIA be obliged under the FOIA or the Environmental Information Regulations 2004, to disclose information concerning the Contractor in certain circumstances without consulting the Contractor or following consultation and having taken the Contractor's views into account.

9. REGISTRATION PROACTIS PLAZA

9.1 Contractors shall follow the step by step guide in registering their organisation on the Council's e-tendering portal-Proactis Plaza portal:

Item No	Process Description
1	Log in to the Proactis Plaza E-Sourcing Portal at https://www.proactisplaza.com
2	Click the "Register Now" button at the bottom of the window
3	Enter your correct Organisation Name, Details and Primary Contact Details. The system will auto generate the Organisation ID and User Name for you.
4	Please make a note of the Organisation ID and User Name, then click "Register".
5	You will then receive an email from the system asking you to "Click here to activate your account". This takes you to Enter Organisation Details.
6	Please enter the information requested, click "Next" and follow the instructions ensuring that you enter all applicable details.
7	In the Enter Product Classification screen please ensure that you select the Product Classification Codes (CPV Codes) that appear in the tender notice.
8	Accept the Terms and Conditions and then click "Next". This takes you in to the Welcome window.
9	In the "Welcome" window please enter your Organisation name, Organisation ID and User Name (User ID). You now need to create your unique password. Please ensure that you make a note of this along with the other information already recorded.

10	Now click "Done" and you will enter the Supplier Home page.
11	From the Home Page, go to the "Opportunities" area, then search for New Opportunities. Click on the "ID" of the relevant opportunity and then click to register your interest on the relevant button. Click the "Requests from Buyers" command in the Opportunities area. This will take you to the list of current opportunities available to you.
12	Click the Project ID that relates to this notice, this will take you into the Tender Request.
13	Note the closing date for completion of the relevant project. Please review the "Items" tab and the Documents tab as there will be information relating to the project held here.
14	You can now either "Create a Response" to, or "Decline" this opportunity

10. DPS PRE QUALIFICATION APPENDICES

10.1 The DPS qualification process requires Contractors to comply with all of the appendices and documents attached to the Council's e-tendering portal-Proactis Plaza. The appendices included are as follows:

Appendix No 1a – Charter for Trust - Protocols
Appendix No 1b – Charter for Trust – Working Arrangements
Appendix No 2 – Key Components
Memorandum of Understanding and Guidance Document.
Equality Statement
Sustainable Procurement Policy

10.2 The Council reserves the right to include additional requirements throughout the validity period of the DPS.

11. PROCEDURE AFTER COMPLETION OF THE INITIAL DPS – NEW APPLICATIONS (NEW CONTRACTORS)

11.1 The DPS pre qualification process shall be opened to Contractors who either failed during the initial DPS pre qualification process or are new Contractors applying to join during the validity period of the DPS. A predetermined closing date and time will be applied to all subsequent requests to join the DPS and will be managed via the Council's e-tendering portal-Proactis Plaza and in accordance with this memorandum of understanding and guidance document.

11.2 The Council will complete the evaluation of any new Applications within ten (10) working days. All new Applications will be evaluated in accordance with the pre qualification criteria stated in Council's e-tendering portal-Proactis Plaza and this memorandum of understanding and guidance document.

12. CONFIDENTIALITY

12.1 By receiving this DPS information as part of the DPS pre qualification process, Contractors agree to keep confidential the information contained in it or made available in connection with any further enquiries or provided during the course of this procurement process.

12.2   Contractors shall not disclose any DPS pre qualification information to any third parties, other than to their employees, sub-contractors and professional advisors to the extent necessary for the purposes of this procurement. Contractors shall ensure that any third parties that receive any relevant Information in accordance with this paragraph maintain the same obligations of confidentiality.

12.3   The DPS Information shall not, either in whole or in part, be copied, reproduced, distributed or otherwise made available to any party other than in accordance with the paragraph above without the prior consent of the Council, nor may it be used for any other purpose than that for which it is intended.

13.   DPS CONTRACTOR BRIEFING EVENTS

13.1   It is the Council's intention to hold 'DPS Contractor Briefing Events' during the course of the procurement process and validity period of the DPS. Relevant information will be provided and advertised when details have been confirmed.

14.   SUPPLY PARTNER

14.1   The Council have appointed a nominated "Material Supplier" (Supply Partner) which is Robert Price Builders Merchants Ltd to provide key components associated with all internal and external works for housing improvement maintenance (including bathrooms, kitchens and electrical equipment) to the Council's technical workforce and external Contractors. All key components for contracts awarded via the DPS will be provided by Robert Price Builders Merchants Ltd. Contractors who are successful in securing business via the DPS will be required to provide any other non key component materials in order to complete the contract.

14.2   **Appendix 2** of the DPS Application Form is the current key component list utilised the Council.

15.   WORKING PROCEDURES

15.1   Contractors awarded onto the DPS will be required to adhere to the Council's working procedure protocol at all times. Details will be available within the DPS documentation as highlighted in the Charter for Trust document.

16.   COMMUNITY BENEFITS

16.1   Procurement is viewed as a key driver for delivering the Council's sustainable development commitment. Sustainable development means ensuring that the Council's actions contribute in the round to social, economic and environmental well-being now and in the future; improving the environment, building stronger communities, reducing social exclusion and poverty and encouraging the development of the economy.

16.2   The Council's commitment to deliver 'community benefit' outcomes is designed to ensure that wider social and economic issues are taken into account when utilising procurement processes for contracts and the spending of public money. The Council have identified some community benefit outcomes, which it will seek to achieve in respect of contracts awarded under the DPS, through working in partnership with the successful organisations to deliver positive outcomes, and consider these outcomes to be proportionate and relevant to the subject matter of the contract. These will include (but not be limited to):

- Training and employment opportunities;
- Maximising supply chain opportunities for SMEs; &
- Working with schools and colleges - work experience/ work placements and Community Initiatives.

16.3 The Contractors accepted on the DPS shall be expected to provide and deliver Community Benefits both on a Core and Non Core basis, which will be determined by the Council. If applicable the Council's Community Benefits requirements will be included within the mini competition and the associated Invitation to Tender documentation for each individual package of work. Therefore, you will be required to provide details of how your will meet the Council's commitment to deliver Community Benefits at that stage. It is important to note that any Community Benefit commitments that you offer may be included as contractual obligations if you are awarded any contract(s).

17. CAERPHILLY CBC CONTACT DETAILS

(a)	Council:	Caerphilly County Borough Council
		Penallta House
		Tredomen Park
		Ystrad Mynach
		Hengoed
		CF82 7PG

(b)	Procurement:	Ian Evans & Derek Morris
		Caerphilly County Borough Council
		Procurement Services
		Penallta House
		Tredomen Park
		Ystrad Mynach
		Hengoed
		CF82 7PG
		Tel: 01443 863161

(c)	Technical Manager:	Colin Roden
		Caerphilly County Borough Council
		WHQS Implementation Project Manager
		Cherry Tree House
		Carlton Drive
		Crumlin
		Newport
		NP11 4EA

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APPENDIX 2 - FULL LIST OF CONTRACTORS

No	Contractor Name	Date of Joining DPS	Constructionline Registeted	Local	Caerphilly Based	Small Medium (SME) or Large Enterprise
1	A E Insulation Ltd	01/04/17	Yes	Yes	No	SME
2	Albert & Flaherty Ltd	01/04/17	Yes	Yes	No	SME
3	A P Waters Building Contractors Ltd	01/04/17	Yes	Yes	No	SME
4	Ashcroft Building Contractors Ltd	01/04/17	Yes	Yes	Yes	SME
5	Brecongate Projects Ltd	01/04/17	Yes	Yes	No	SME
6	C G Brickwork Building Contractors Ltd	01/04/17	Yes	Yes	Yes	SME
7	CLO Plumbing Tiling and Plastering Services	01/04/17	Yes	Yes	Yes	SME
8	Contract Services (South Wales) Ltd	01/04/17	Yes	Yes	Yes	SME
9	Coombs Construction Services Ltd	01/04/17	Yes	Yes	Yes	SME
10	County Home Improvements	01/04/17	Yes	Yes	Yes	SME
11	Cox & Morris Builders	01/04/17	Yes	Yes	Yes	SME
12	C P Construction (Gwent) Ltd	01/04/17	Yes	Yes	Yes	SME
13	D J Rees Decorating Services Ltd	01/04/17	Yes	Yes	No	SME
14	D J Decorators Ltd	01/04/17	Yes	Yes	No	SME
15	Dark & Hillman Construction	01/04/17	Yes	Yes	Yes	SME
16	Darranlas Ltd	01/04/17	Yes	Yes	No	SME
17	Davies Brothers (Wales) Ltd	01/04/17	Yes	Yes	No	SME
18	Dean Jones Construction	01/04/17	Yes	Yes	Yes	SME
19	DJD Builders Ltd	01/04/17	Yes	Yes	No	SME
20	EJ & Co	01/04/17	Non Constructionline	Yes	No	SME
21	Encon Construction Ltd	01/04/17	Yes	Yes	No	SME
22	Gary Carpenter Building Contractor	01/04/17	Yes	Yes	Yes	SME
23	GKR Maintenance & Building Co Ltd	01/04/17	Yes	Yes	Yes	SME
24	Glanmor Developments Ltd	01/04/17	Yes	Yes	No	SME
25	GTH Construction Ltd	01/04/17	Yes	No	No	SME
26	Hawksford Construction Ltd	01/04/17	Yes	Yes	Yes	SME
27	Hedlyn Building Contractors	01/04/17	Yes	Yes	No	SME
28	I J Caddick & Co Ltd	01/04/17	Yes	Yes	No	SME
29	Ian Williams Ltd	01/04/17	Yes	Yes	No	Large
30	Innovative Constructions Ltd	01/04/17	Yes	Yes	No	SME
31	Jefflyn Construction Ltd	01/04/17	Yes	Yes	No	SME
32	Jennings Drywall Systems Ltd	01/04/17	Yes	Yes	No	SME

33	Jistcourt	01/04/17	Yes	Yes	No	SME
34	JLF Haymer & Sons	01/04/17	Yes	Yes	No	SME
35	Jon Bishop Construction	01/04/17	Yes	Yes	Yes	SME
36	Joyner P A Cymru Ltd	01/04/17	Yes	Yes	Yes	SME
37	Keepmoat Regeneration Ltd	01/04/17	Yes	Yes	No	Large
38	LCB Construction	01/04/17	Yes	Yes	No	SME
39	Lovell Partnerships Ltd	01/04/17	Yes	Yes	No	Large
40	M Delacey & Sons (Holdings) Ltd	01/04/17	Yes	Yes	No	SME
41	Marton Civil Engineering Ltd	01/04/17	Yes	Yes	No	SME
42	Mel Evans Builders	01/04/17	Yes	Yes	Yes	SME
43	Merrylees Construction Ltd	01/04/17	Yes	Yes	No	SME
44	Millennium Building Contractors	01/04/17	Yes	Yes	No	SME
45	Morgan Construction Wales	01/04/17	Yes	No	No	SME
46	MSH Building Ltd	01/04/17	Yes	Yes	No	SME
47	Newconn Contract Services Ltd	01/04/17	Yes	Yes	No	SME
48	Peter Cox Ltd	01/04/17	Yes	Yes	No	Large
49	Property Building Maintenance (Wales) Ltd	01/04/17	Yes	Yes	No	SME
50	QDL Contractors Ltd	01/04/17	Yes	Yes	No	SME
51	R & J C Bates	01/04/17	Yes	Yes	Yes	SME
52	R & M Williams Ltd	01/04/17	Yes	Yes	No	Large
53	S D James Construction Ltd	01/04/17	Yes	Yes	Yes	SME
54	Scott Gilbert Plastering & Building Contractors Ltd	01/04/17	Yes	Yes	Yes	SME
55	SERS Energy Solutions	01/04/17	Yes	Yes	Yes	SME
56	Severn Insulation Co Ltd	01/04/17	Yes	Yes	No	SME
57	SMK Building & Maintenance	01/04/17	Yes	Yes	No	SME
58	Speller Metcalfe Ltd	01/04/17	Yes	No	No	Large
59	T Couzens & Co (Builders) Ltd	01/04/17	Yes	Yes	Yes	SME
60	Thomas CMS (Holdings) Ltd	01/04/17	Yes	Yes	No	SME
61	United Living (North) Ltd	01/04/17	Yes	Yes	No	Large
62	White Rock Property Care Ltd	01/04/17	Non Constructionline	Yes	No	SME
63	Willis Construction Ltd	01/04/17	Yes	Yes	No	SME
64	WT Building Group	01/04/17	Yes	Yes	No	SME
65	P & P Builders & Roofing Contractors Ltd	05/05/17	Yes	Yes	No	SME
66	Engie FM Ltd	05/05/17	Non Constructionline	No	No	Large
67	Jefferies Contractors Ltd	19/06/17	Yes	Yes	No	SME
68	EWIS UK Ltd	13/07/17	Yes	No	No	SME

APPENDIX 3 - STATUS OF MINI COMPETITIONS 31 AUGUST 2017

Reference Number	Work Package	Date Awarded	Successful Contractor	Unsuccsessful Contractors (Order of Ranking)	Estimated Value	
GBMC1000005	Trecenydd (EXT16C-LC13)	29/06/17	QDL Contractors Ltd (Local - Merthyr)	Jistcourt	£	995,000.00
				GKR Maintenance & Building Company Ltd		
				LCB Construction		
				I J Caddick and Co Ltd		
				SERS Energy Solutions Ltd		
				MSH Building Ltd		
				R & M Williams Ltd		
				Thomas CMS (Holdings) Ltd		
				Innovative Constructions Ltd		
				P & P Roofing & Builders		
				Darranlas Ltd		
				Ian Williams Ltd		
				CP Construction (Gwent) Ltd		
				Willis Construction Ltd		
GBMC1000006	Fairview (EXT17C-EC23)	30/06/17	GKR Maintenance & Building Company Ltd (Local - Caerphilly)	MSH Building Ltd	£	87,000.00
				I J Caddick and Co Ltd		
				Albert and Flaherty Ltd		
				QDL Contractors Ltd		
				Thomas CMS (Holdings) Ltd		
				M Delacey and Sons (Holdings) Ltd		
				D.J.Decorators Ltd		
				LCB Construction		
				Darranlas Ltd		
				Ian Williams Ltd		
				CP Construction (Gwent) Ltd		
				T Couzens & Co Builders Ltd		
				C.G.Brickwork Building Contractors		
				Hedlyn Building Contractors		
				Jistcourt		
				Innovative Constructions Ltd		
				P & P Roofing & Builders		
				Willis Construction Ltd		

GBMC1000007	Gilfach & Bargoed (EXT16C U14-15)	30/06/17	MSH Building Ltd (Local - Cwmbran)	GKR Maintenance & Building Company Ltd	£	695,630.00
				M Delacey and Sons (Holdings) Ltd		
				Thomas CMS (Holdings) Ltd		
				QDL Contractors Ltd		
				I J Caddick and Co Ltd		
				Jistcourt		
				SERS Energy Solutions Ltd		
				LCB Construction		
				Keepmoat Regeneration Limited		
				Ian Williams Ltd		
				Darranlas Ltd		
				CP Construction (Gwent) Ltd		
				P & P Roofing & Builders		
GBMC1000008	Bedwas (EXT16C-LC04)	30/06/17	Albert Flaherty Ltd (Local - Merthyr)	QDL Contractors Ltd	£	402,500.00
				D.J.Decorators Ltd		
				MSH Building Ltd		
				GKR Maintenance & Building Company Ltd		
				Jistcourt		
				Darranlas Ltd		
				M Delacey and Sons (Holdings) Ltd		
				Ashcroft Building Contractors Ltd		
				I J Caddick and Co Ltd		
				LCB Construction		
				Thomas CMS (Holdings) Ltd		
				CP Construction (Gwent) Ltd		
				R & M Williams Ltd		
				P & P Roofing & Builders		
				Innovative Constructions Ltd		
				Ian Williams Ltd		
				Willis Construction Ltd		

GBMC1000010	Brynglas / Brynhyfrydd (EXT16C-U09)	10/08/17	Ashcroft Building Contractors Ltd (Local - Caerphilly)	LCB Construction Thomas CMS (Holdings) Ltd QDL Contractors Ltd GKR Maintenance & Building Company Ltd Jistcourt Innovative Constructions Ltd I J Caddick and Co Ltd P & P Roofing & Builders D.J.Decorators Ltd Hedlyn Building Contractors	£ 343,588.00
GBMC1000009	Machen (EXT16C-LC02)	**UNDER EVALUATION**			£ 506,530.00
GBMC1000011	Maesycwmmer (EXT17C-U24)	**UNDER EVALUATION**			£ 1,012,072.21
GBMC1000012	Llanbradach (EXT17C-LC21)	**UNDER EVALUATION**			£ 449,938.00
GBMC1000013	Gilfach 2 (EXT17C-U22)	**UNDER EVALUATION**			£ 2,856,055.00
GBMC1000014	Blackwood A (EXT17C-E03A)	**UNDER EVALUATION**			£ 317,663.00
GBMC1000015	Lower Penllwyn (EXT17C-EC28)	**UNDER EVALUATION**			£ 928,180.00

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Page 82