

Pecyn Dogfennau Cyhoeddus

Penallta House,
Tredomen Park,
Ystrad Mynach,
Hengoed CF82 7PG

Ty Penallta,
Parc Tredomen,
Ystrad Mynach,
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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Charlotte Evans
(Rhif Ffôn: 01443 864210 Ebst: evansca1@caerphilly.gov.uk)

Dyddiad: Dydd Mercher, 11 Hydref 2017

Annwyl Syr/Fadam,

Bydd cyfarfod **Cabinet** yn cael ei gynnal yn **Ystafell Sirhywi, Tŷ Penallta, Tredomen, Ystrad Mynach ar Dydd Mercher, 18fed Hydref, 2017 am 2.00 pm**. i ystyried materion a gynhwysir yn yr agenda canlynol. Mae croeso i chi ddefnyddio'r iaith Gymraeg yn y cyfarfod, a dylid rhoi cyfnod rhybudd o 3 diwrnod gwaith os ydych yn dymuno gwneud hynny. Bydd cyfieithu ar y pryd yn cael ei ddarparu ar gais.

Yr eiddoch yn gywir,

Chris Burns
PRIF WEITHREDWR DROS DRO

A G E N D A

Tudalennau

- 1 I dderbyn ymddiheuriadau am absenoldeb
- 2 Datganiadau o Ddiddordeb.

Atgoffi'r Cynghorwyr a Swyddogion o'u cyfrifoldeb personol i ddatgan unrhyw fuddiannau personol a/neu niweidiol mewn perthynas ag unrhyw eitem o fusnes ar yr agenda hwn yn unol â Deddf Llywodraeth Leol 2000, Cyfansoddiad y Cyngor a'r Cod Ymddygiad ar gyfer Cynghorwyr a Swyddogion.

I gymeradwyo a llofnodi'r cofnodion canlynol:-

- 3 Cynhaliwyd y Cabinet ar 4ydd Hydref 2017.

A greener place Man gwyrddach



I dderbyn ac ystyried yr adroddiad(au) canlynol y mae angen penderfyniadau gweithredol arnynt: -

4	Diwygio Diogelu Data.	5 - 38
5	Ffioedd Claddu Plant.	39 - 42
6	Datblygiad o Wasanaeth Synhwyrdd a Chyfathrebu Cyfun (SENCOM).	43 - 70
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Cylchrediad:

Cynghorwyr

C.J. Cuss, N. George, C.J. Gordon, Mrs B. A. Jones, P.A. Marsden, S. Morgan, L. Phipps, D.V. Poole a Mrs E. Stenner,

A Swyddogion Priodol.



CABINET

COFNODION Y CYFARFOD A GYNHALIWDYD YN NHŶ PENALLTA, TREDOMEN AR DDYDD MERCHER, 4YDD HYDREF 2017 AM 2.00 P.M.

YN BRESENNOL

Y Cynghorydd D.V. Poole - Cadeirydd

Cynghorwyr:

C.J. Cuss (Gofal Cymdeithasol a Lles), N. George (Gwasanaethau'r Gymdogaeth), C.J. Gordon (Gwasanaethau Corfforaethol), Mrs B.A. Jones (Cyllid, Perfformiad a Llywodraethu), S. Morgan (Economi, Isadeiledd a Chynaliadwyedd), L. Phipps (Cartrefi a Lleoedd) a Mrs E. Stenner (Yr Amgylchedd a Diogelwch y Cyhoedd).

Ar y cyd gyda:

C. Burns (Prif Weithredwr Dros Dro), C. Harrhy (Cyfarwyddwraig Corfforaethol - Cymunedau), N. Scammell (Cyfarwyddwraig Gwasanaethau Corfforaethol Dros Dro a Swyddog Adran 151) a D.Street (Cyfarwyddwr Corfforaethol – Gwasanaethau Cymdeithasol).

Hefyd yn Bresennol:

T. McMahon (Rheolwraig Adfywio Cymunedol), R. Hartshorn (Pennaeth Diogelwch y Cyhoedd), C. Campbell (Rheolwr Peirianeg Cludiant) a C. Evans (Swyddog Gwasanaethau Pwyllgor).

1. YMDDIHEURIADAU DROS ABSENOLDEB

Derbyniwyd ymddiheuriad am absenoldeb gan y Cynghorydd Mrs P.A.Marsden (Addysg a Chyflawniad),

2. DATGANIADAU O DDIDDORDEB

Derbyniwyd datganiadau o ddiddordeb gan y Cynghorwyr L. Phipps ac E. Stenner (Eitem 4 - Dileu Cymunedau yn Gyntaf yn raddol, Cynigion ar gyfer Blaenoriaethau Diwygiedig Llywodraeth Cymru ac Ailstrwythuro Staff Cysylltiedig). Mae manylion wedi eu cofnodi gyda'r eitem berthnasol.

3. CABINET - 20FED MEDI, 2017

PENDERFYNWYD cymeradwyo cofnodion y cyfarfod a gynhaliwyd ar 20fed Medi 2017 (rhifau cofnod. 1-7) a'u llofnodi fel cofnod cywir.

MATERION SYDD ANGEN PENDERFYNIADAU GWEITHREDOL

4. **DILEU CYMUNEDAU YN GYNTAF YN RADDOL, CYNIGION AR GYFER BLAENORIAETHAU DIWYGIEDIG LLYWODRAETH CYMRU AC AIL-STRWYTHURO STAFF CYSYLLTIEDIG**

Datganodd y Cyngorwyr L. Phipps ac E. Stenner ddi-ddordeb yn yr eitem hon fel Cyfarwyddwyr Gwirfoddol o Ganolfannau Adnoddau a nodwyd yn yr adroddiad, ac felly gadawsant y cyfarfod yn ystod ei ystyriaeth.

Amlinellodd yr adroddiad, a gyflwynwyd i'r Pwyllgor Craffu Adfywio a'r Amgylchedd ar 19eg Medi, 2017, i ddileu rhaglen Cymunedau yn Gyntaf yn raddol a gweithrediad arfaethedig y Gronfa Etifeddiaeth a Chyflogaeth, ynghyd â chyfnod ailstrwythuro a recriwtio adrannol arfaethedig a fydd yn caniatáu trosglwyddiad di-dor i flaenoriaethau diwygiedig Llywodraeth Cymru (LIC) a'r cyllid cysylltiedig. Gofynnwyd i'r Aelodau ystyried a yw'r cynigion a nodir yn yr adroddiad yn briodol ac yn effeithiol yn erbyn y meini prawf ariannu a pholisi a gynigir gan LIC, a gofynnwyd am eu barn ar y dull o ddileu Cymunedau yn Gyntaf yn raddol a'r dull arfaethedig ar gyfer y rhaglen newydd, y cerrig milltir a'r strwythur staff cysylltiedig, cyn cyflwyno'r adroddiad i'r Cabinet i'w ystyried.

Amlinellodd y swyddogion gefndir y rhaglen a'r strwythur staff presennol, ac roedd manylion amdanynt yn yr adroddiad a'i atodiadau. Ers 1af Ebrill 2012, mae Cymunedau yn Gyntaf wedi bod yn Rhaglen Trechu Tlodi sy'n Canolbwyntio ar y Gymuned, gan ganolbwyntio ar y cymunedau mwyaf difreintiedig yng Nghymru. Ariennir y rhaglen gan LIC ac mae ganddo gyllideb flynyddol o £2.902miliwn. Ar 14eg Chwefror 2017, yn dilyn cyfnod o ymgysylltu â chymunedau a rhanddeiliaid, cadarnhawyd y byddai Cymunedau yn Gyntaf yn cael ei ddileu'n raddol rhwng 31ain Mawrth 2017 a 1af Ebrill 2018, a bydd y cyllid hwnnw'n parhau i fod yn 70% o lefelau 2016/17 hyd at 31ain Mawrth 2018.

Eglurwyd y bwriedir i 2017/18 fod yn gyfnod pontio sy'n sicrhau etifeddiaeth Cymunedau yn Gyntaf wrth symud i ddull newydd o greu cymunedau cryf. Yn ganolog i'r dull hwn fydd y "Tair E" (cyflogadwyedd, grymuso a blynyddoedd cynnar). Bydd angen ailstrwythuriad llawn o'r Tîm Adfywio Cymunedol er mwyn parhau i gyflwyno rhaglenni Cymunedau am Waith ac Esgyn, yn ogystal â gweithredu mentrau newydd Llywodraeth Cymru, a fydd yn cael eu hariannu o 1af Ebrill 2018. Esboniwyd y Gronfa Gymorth Cyflogaeth a'r Gronfa Etifeddol (sy'n olynwyr i'r rhaglen Cymunedau yn Gyntaf sy'n bodoli eisoes) yn fanylach trwy gydol yr adroddiad.

Hysbyswyd yr Aelodau hefyd am effaith bosibl y newidiadau hyn ar sefydliadau'r trydydd sector. Mae'r rhaglen Cymunedau yn Gyntaf wedi cyfrannu at ariannu nifer o swyddi ar draws Cymdeithas Mudiadau Gwirfoddol Gwent (CMGG), Groundwork Caerffili a Chanolfan Galw Heibio i Bobl Ifanc Senghenydd, a bydd gostyngiad yn y cyllid cyfredol yn debygol o gael effaith fawr ar bartneriaid sector gwirfoddol y Cyngor. Yn ogystal, o'r 1af Ebrill 2018, dim ond Awdurdodau Lleol fydd yn derbyn y Cronfeydd Etifeddol a Chymorth Cyflogaeth newydd.

Diolchodd y Cabinet i'r Swyddog am yr adroddiad a mynegodd bryderon am rai o'r prosiectau y gellid eu colli o ganlyniad i ddiddymu Cymunedau yn Gyntaf. Esboniodd y Swyddog, mewn meysydd blaenoriaeth a nodwyd ym Mynegrif Amddifadedd Lluosog Cymru, y gall rhai o'r prosiectau barhau. Mae gwaith ar y gweill gyda'r Bwrdd Gwasanaeth Cyhoeddus a'r Bwrdd Iechyd i nodi prosiectau a chyllid posibl i sicrhau eu bod yn parhau. Sicrhawyd yr Aelodau y byddent yn cael eu diweddarau ar ddatblygiadau.

Yn dilyn ystyriaeth a thrafodaeth, cynigiwyd ac eiliwyd bod yr argymhelliad yn yr adroddiad yn cael ei gymeradwyo. Cytunwyd ar hyn yn unfrydol drwy godi dwylo.

PENDERFYNWYD am y rhesymau a gynhwysir yn adroddiad y Swyddogion i

gymeradwyo dileu Cymunedau yn Gyntaf yn raddol, a'r rhaglenni newydd, cerrig milltir a strwythur staff cysylltiedig.

5. MAP RHWYDWAITH INTEGREDIG TEITHIO LLESOL

Roedd yr adroddiad, a gyflwynwyd i'r Pwyllgor Craffu Adfywio a'r Amgylchedd ar 19eg Medi 2017, yn gofyn am gymeradwyaeth Aelodau ar y Map Rhwydwaith Integredig Teithio Llesol drafft ac yn adrodd ymatebion gan yr ymgynghoriad cyhoeddus.

Esboniodd swyddogion bod y Ddeddf Teithio Llesol (Cymru) 2013 yn rhoi dyletswyddau newydd ar awdurdodau lleol (ALI) yng Nghymru i gynhyrchu a chyhoeddi mapiau teithio llesol, gyda'r cam cyntaf yn ei gwneud yn ofynnol i gynhyrchu Map Lwybrau Presennol. Cymeradwywyd Map Lwybrau Presennol Cyngor Bwrdeistref Sirol Caerffili gan Lywodraeth Cymru ym mis Ebrill 2016. Mae'r cam nesaf yn ei gwneud yn angenrheidiol i bob ALI yng Nghymru i gynhyrchu Map Rhwydwaith Integredig Teithio Llesol erbyn Tachwedd 2017. Cynhaliwyd ymgynghoriad cyhoeddus 12 wythnos ar Fap Rhwydwaith Integredig Teithio Llesol Caerffili drafft ac o'r 121 ymateb a dderbyniwyd i'r holiadur, dywedodd 98% eu bod yn cefnogi'r llwybrau arfaethedig a gynhwysir yn y Map Rhwydwaith Integredig drafft. Atodwyd manylion o'r sylwadau a roddwyd fel ymatebion i'r adroddiad. O ganlyniad i'r ymgynghoriad, mae nifer o newidiadau arfaethedig i'r Map Rhwydwaith Integredig Teithio Llesol a fydd yn cael eu hymgorffori yn y fersiwn derfynol, cyn ei gyflwyno i Lywodraeth Cymru (a restrir yn Atodiad 3) erbyn y dyddiad cau ar 3ydd Tachwedd 2017.

Yn dilyn ystyriaeth a thrafodaeth, cynigiwyd ac eiliwyd bod yr argymhelliad a gynhwysir yn yr adroddiad yn cael ei gymeradwyo. Cytunwyd ar hyn yn unfrydol drwy godi dwylo.

PENDERFYNWYD am y rhesymau a gynhwysir yn adroddiad y Swyddogion, i gymeradwyo'r Map Rhwydwaith Integredig Teithio Llesol drafft a'r newidiadau arfaethedig a atodwyd i'r adroddiad.

ARGYMHELLION I'R CYNGOR

6. ADRODDIAD PERFFORMIAD BLYNYDDOL 2016/17

Rhoddodd yr adroddiad fanylion i'r Cabinet am Hunanasesiad Blynyddol yr Awdurdod o'r enw Adroddiad Perfformiad Blynyddol ar gyfer 2016/17 a gofynnodd am farn a chymeradwyaeth y Cabinet cyn ei gyflwyno i'r Cyngor ar 10fed Hydref 2017 a'i gyhoeddi erbyn 30ain Hydref 2017.

Mae'r Adroddiad Perfformiad yn ofyniad statudol o dan Fesur Llywodraeth Leol (Cymru) 2009 ac yn rhan bwysig o Fframwaith Perfformiad y Cyngor. Mae'n ofynnol i'r Cyngor i asesu ei berfformiad ei hun a darparu darlun cytbwys o'i berfformiad i'r cyhoedd.

Yn ogystal, rhaid i'r adroddiad ddangos sut y perfformiodd y cyngor yn erbyn yr Amcanion Lles a osododd ar gyfer ei hunan ar gyfer 2016/17. Mae'r adroddiad hefyd yn dangos sut y perfformiodd y Cyngor yn erbyn ei wyth blaenoriaeth a oedd yn weithredol rhwng 2013 a 2017 ac maent bellach wedi dod i ddiwedd eu hamserlen gyhoeddedig.

Diolchodd y Cabinet i'r Swyddog am yr adroddiad ac wrth nodi'r heriau ariannol sydd o'n blaenau, gofynnodd am wybodaeth bellach am ba newidiadau, os oes unrhyw newidiadau a sut y byddai perfformiad yn cael ei fesur. Esboniodd y swyddogion fod mesurau a thargedau Perfformiad yn cael eu hadolygu'n rheolaidd, fodd bynnag, nid oes cynlluniau i newid y prosesau cyfredol ar hyn o bryd. Fodd bynnag, nodwyd bod pob Awdurdod Lleol yn teimlo'r pwysau o ran yr heriau ariannol.

Yn dilyn ystyriaeth a thrafodaeth, cynigiwyd ac eiliwyd bod yr argymhelliad yn yr adroddiad yn cael ei gymeradwyo. Cytunwyd ar hyn yn unfrydol drwy godi dwylo.

PENDERFYNWYD am y rhesymau a gynhwysir yn adroddiad y Swyddogion i argymhell i'r Cyngor i gymeradwyo Adroddiad Perfformiad Blynyddol 2016/17.

Terfynwyd y cyfarfod am 2.37 p.m.

Cymeradwywyd a llofnodwyd ei fod yn gofnod cywir yn amodol ar unrhyw gywiriadau a wnaed yn y cyfarfod a gynhaliwyd ar 18fed Hydref, 2017.

CADEIRYDD



CABINET – 18TH OCTOBER 2017

SUBJECT: DATA PROTECTION REFORM

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

-
- 1.1 The attached report, which informed Members of the requirements of upcoming data protection reform and corporate action to address these requirements, was considered by the Policy and Resources Scrutiny Committee on 3rd October 2017. Members were also asked to consider the updates to the Council's Information Risk Management Policy, prior to its presentation to Cabinet.
 - 1.2 Officers explained that the UK government recently 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. The Bill is scheduled for consideration at a second reading on 10th October 2017.
 - 1.3 Members were advised of the key impacts of data protection reform as set out in the report. The changes will mean a greater requirement for accountability and Privacy by Design, and the Council will now have to evidence that they are complying with data protection requirements. There are also greater rights for data subjects, including rights to know what the Council will do with their data, and tighter reporting timescales, including mandatory breach reporting within 72 hours. Members were also referred to the Council's Information Risk Management Policy appended to the report, which has been updated to cover new data protection requirements, and incorporates a number of changes, such as promoting the use of Privacy Impact Assessments when necessary, and frequency of reports on Service Area Information Risk Registers to the Senior Information Risk Owner (SIRO) changing from quarterly to six monthly.
 - 1.4 During the course of the ensuing debate, Members queried the implications of the data protection requirements on staff workloads. It was explained that the Corporate Information Governance Unit are working with South Wales Information Forum to share the preparatory workload where possible, and Information Governance Stewards across each service area are also undertaking preparatory work specific to their Service Area. The volume of preparatory work is a challenge, but the highest risks are being prioritised. Existing all-staff training will be relaunched on an annual basis to promote awareness of data protection requirements, so by the time the new law is in place staff should be fully aware of their responsibilities. Maintaining evidence of accountability when handling personal data needs to be embedded, but the Council are developing methods of simplifying the creation and maintenance of this evidence so that staff can focus on service delivery. It was confirmed that the situation will be monitored whilst the new requirements are embedded into normal working practices.
 - 1.5 Discussion also took place regarding the data protection responsibilities of Members, and Officers outlined details of the training provided to them (including annual Information Governance training) and of the support that is available from the Corporate Information Governance Unit.

1.6 Following consideration of the report, and in noting the requirements of upcoming data protection reform and corporate action to address these requirements, the Policy and Resources Scrutiny Committee unanimously recommended to Cabinet that for the reasons contained therein:-

- (i) the requirements of upcoming data protection reform and corporate action to address these requirements be noted;
- (ii) the revised Information Risk Management Policy appended to the report be approved.

1.7 Members are asked to consider the recommendations.

Author: R. Barrett, Committee Services Officer, Ext. 4245

Appendices:

Appendix 1 Report to Policy and Resources Scrutiny Committee on 3rd October 2017 - Agenda Item 8



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.	<p>Accountability</p> <p>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.</p>	<p>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.</p> <p>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.</p>
b.	<p>Privacy by Design</p> <p>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.</p>	<p>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.</p> <p>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.</p>
c.	<p>Transparency for data subjects</p> <p>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.</p>	<p>Review existing fair processing notices on forms/leaflets/websites.</p> <p>Identify additional processing that requires a Privacy Notice.</p> <p>Layer Privacy Notices by giving GDPR compliant information on website.</p>
d.	<p>Greater rights for data subjects:</p> <ul style="list-style-type: none"> • 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); 	<p>Awareness raising underway amongst all staff of the rights of data subjects so a request can be identified and addressed appropriately.</p> <p>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.</p>

	<ul style="list-style-type: none"> 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. 	<p><i>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.</i></p>
e.	<p>Legal basis for processing personal information</p> <p>There must be a documented legal basis for each instance of processing personal data. Legal conditions are more restricted under GDPR compared to DPA.</p> <p>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.</p>	<p>Information Asset Registers identify personal data being processed and the legal basis is currently being reviewed, including methods of obtaining consent.</p> <p>Elected Member consent to act on behalf of constituents to be reviewed to make sure the existing process will comply with the new rules.</p>
f.	<p>Data breach reporting within 72 hours</p> <p>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.</p>	<p>Existing data breach procedure is embedded, but the policy will be updated including criteria for reporting breaches, and awareness to be raised through training.</p> <p>Reporting of relevant IT security breaches will also be incorporated.</p>
g.	<p>Enforcement:</p> <p>Current ICO investigative powers (including the right to enter buildings), civil sanctions, criminal sanctions and monetary penalties still exist.</p>	<p>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.</p> <p>Audit of Service Areas, partners and contractors will be considered.</p>
h.	<p>ICO register of Data Controllers</p> <p>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.</p>	<p>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. .</p>

Oversight of preparation for data protection reform

- 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).

Caerphilly County Borough Council

Information Risk Management Policy

Version:	Version 4 <u>2</u>
Date:	Oct 2013 <u>Revised September 2017</u>
Author/s:	Corporate Information Governance Unit (ICT Services – Corporate Services)
Consultee/s:	Information Governance Project Team
Approved by:	Cabinet, <u>16 Oct 2017</u>
Review frequency:	Every 2 years
Next review date:	Oct 2015 <u>October 2019</u>

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. ~~#~~
- 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 Team~~ 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 ~~information~~ information is authentic, accurate and complete;
- Availability means that authorised people can access ~~information~~ 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|CT 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)~~ a) Details of any changes to key individuals responsible for ~~security~~information risk matters.
 - b) ~~b)~~ b) Significant risks and mitigations that have implications for protective security:
 - c) ~~All significant security incidents~~
 - c) ~~d)~~ d) Declaration of meeting ~~all~~ data handling standards
 - d) ~~e)~~ 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 Service 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 ~~of~~ 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

~~34.1~~ 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.

~~34.2~~ 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.~~

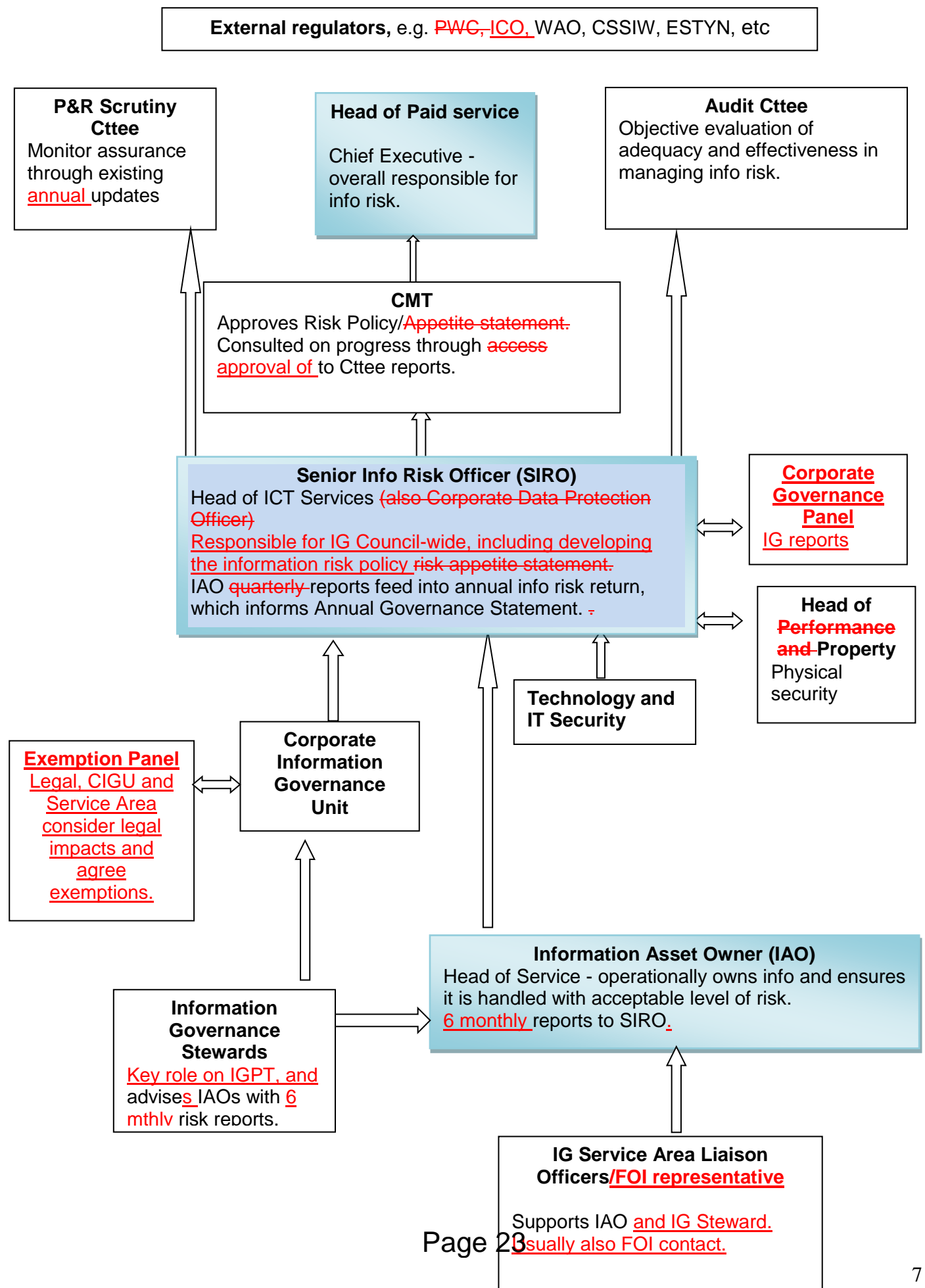
78. Supporting documents

- 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.



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 months year.

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 has a role in monitoring information management via PWC external 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.
- understand and maintain 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 asset information 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 it 1.3 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 the 7 The Service Area has an Area's Information Asset Register in place, this can be used to will 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 form information asset, a Privacy Impact Assessment is a useful tool to identify risks that cannot be avoided. In the compromise / loss might take. The following suggestion template 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 and identified, 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~~

• ~~—~~ 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 ~~pose~~ can 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 ~~where~~ were the compromise/loss to occur, and
- The Likelihood of the risk being realised, taking into account the working environment ~~and past~~ experience.

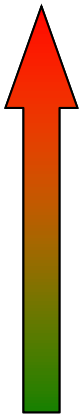
1.4011 The assessment of these factors helps you to decide on the overall severity of each risk, ~~this~~ which means that they can be prioritised and resources focused on the most serious.

1.412 The table below illustrates ~~what score is~~ the 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.

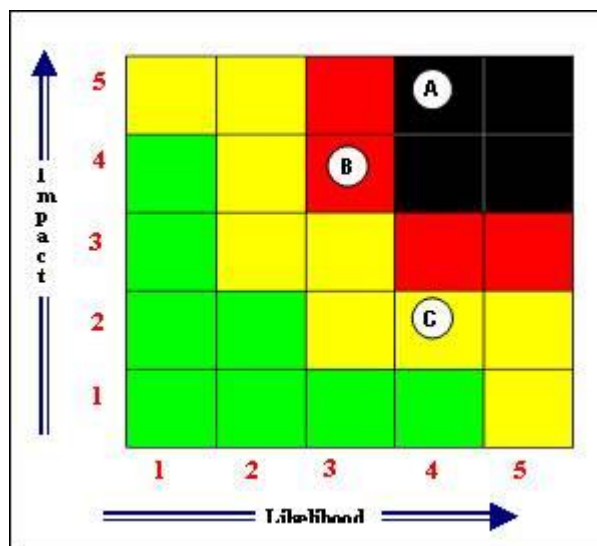
1.4213 For example:

- A risk ~~is~~ determined to have a 'significant detrimental effect in the long term' would have a score of High (4).
- ~~If 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.

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~~ 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.

1.4314 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:

1.4415 There are generally four options that the IAO must consider when deciding how to manage the identified risk.

1.4516 The first one is 'treating the risk' which is done by applying one or more Information Assurance controls, for example training, to reduce the likelihood of the risk

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~~

1.1617 The second option is 'removing the risk', ~~this~~ which is done by finding another way to achieve a Service Area objective.

1.1718 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.

4.181.19 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:

1.1920 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.

1.2021 An annual Information Assurance Compliance Statement is compiled by the SIRO, giving assurance that Information 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.

4.221.23 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/L 20 - 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**

1.2324 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.

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

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

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

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.

Service Area:.....

Risk Owner – Head of Service (IAO)

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<u>Risk 1: Inappropriate disclosure of personal data</u>		<u>Active Controls</u>				<u>Proposed controls</u>	
<u>Cause</u>	<u>Effect</u>	<u>Last Period</u>		<u>Current</u>		<u>Target</u>	
		<u>I</u>	<u>F</u>	<u>I</u>	<u>F</u>	<u>I</u>	<u>F</u>
<p><u>Lack of identification of those information assets containing personal data and sensitive personal data.</u></p> <p><u>Lack of awareness training.</u></p> <p><u>Absence of Information Sharing Protocols (ISPs) or other agreement (e.g. memo of agreement).</u></p> <p><u>Failure to double-check contents proposed for disclosure (including data sitting behind Excel or Word docs).</u></p> <p><u>Advice on disclosure of information is not sought from line manager and/or Corporate Information Governance Unit.</u></p>	<p><u>Serious and unwarranted damage and distress to individuals</u></p> <p><u>Breach of DPA and infringement of privacy</u></p> <p><u>Regulatory, court action or financial penalties</u></p> <p><u>Damage to reputation and integrity</u></p> <p><u>Cost and resources required to investigate</u></p>						
<u>Risk 2: Theft, loss or unauthorised access to information (electronic and system related)</u>		<u>Active Controls</u>				<u>Proposed controls</u>	
<u>Cause</u>	<u>Effect</u>	<u>Last Period</u>		<u>Current</u>		<u>Target</u>	
		<u>I</u>	<u>F</u>	<u>I</u>	<u>F</u>	<u>I</u>	<u>F</u>

<u>Inadequate access and permissions management</u> <u>Password sharing</u> <u>Poor information asset management - network drive and e-mail</u> <u>Dishonesty</u> <u>Emails sent to wrong address or lost / compromised during transmission</u> <u>Inadequate business continuity planning</u>	<u>Serious and unwarranted damage and distress to individuals</u> <u>Breach of DPA and infringement of privacy</u> <u>Regulatory, court action or financial penalties</u> <u>Damage to reputation and integrity</u> <u>Cost and resources required to investigate</u> <u>Cost of recreating / retrieving information</u>					
<u>Risk 3: Theft, loss or unauthorised access to information (paper based)</u>		<u>Active Controls</u>		<u>Proposed controls</u>		
<u>Cause</u>	<u>Effect</u>	<u>Last Period</u>	<u>Current</u>	<u>Target</u>		
<u>Documents stored in damp conditions, not rat-proof and damaged beyond repair</u> <u>Documents not filed correctly and not available to be retrieved</u> <u>Dishonesty / sabotage</u> <u>Carelessness</u> <u>Tidy work area not enforced</u> <u>Documents posted / faxed to wrong address or lost / compromised during transmission</u> <u>Incorrect shredders (ribbon) used for document destruction</u> <u>Records being transferred to new location as a result of rationalisation of Council buildings</u>	<u>Serious and unwarranted damage and distress to individuals</u> <u>Breach of DPA and infringement of privacy</u> <u>Regulatory, court action or financial penalties</u> <u>Damage to reputation and integrity</u> <u>Cost and resources required to investigate</u> <u>Cost of recreating / retrieving information</u>					
						<u>이.지.하이 이.지. 하이 이.</u>

<u>Risk 4: Ineffective or Insecure Information Sharing internally and externally</u>							
<u>Cause</u>	<u>Effect</u>	<u>Last Period</u>		<u>Current</u>		<u>Target</u>	
		<u>I</u>	<u>L</u>	<u>I</u>	<u>L</u>	<u>I</u>	<u>L</u>
<u>ISPs / agreements not in place or not comprehensive enough</u> <u>Failure to share the right information with the right people at the right time</u> <u>Failure to meet the FOI Compliance rate</u> <u>Lack of awareness of what information is held and therefore when/where it could be beneficially shared</u> <u>Shared information is not stored securely (paper or electronic)</u>	<u>Information used for purposes other than those agreed</u> <u>Serious & unwarranted damage and distress to individuals</u> <u>Breach of DPA and infringement of privacy</u> <u>Damage to reputation and integrity</u> <u>Information not shared prior to the departure of staff - knowledge not retained</u> <u>Loss of business continuity</u>						
<u>Risk 5: Records retained for the wrong length of time</u>				<u>Active Controls</u>		<u>Proposed controls</u>	
<u>Cause</u>	<u>Effect</u>	<u>Last Period</u>		<u>Current</u>		<u>Target</u>	
		<u>I</u>	<u>L</u>	<u>I</u>	<u>L</u>	<u>I</u>	<u>L</u>
<u>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.</u> <u>Lack of awareness</u>	<u>Breach of DPA, FOI & Public Records Act</u> <u>Breach of other requirements for the retention of records</u> <u>Unnecessary cost of storage of physical and</u>						

<p><u>Lack of motivation to file records appropriately and regularly</u> <u>Dishonesty / sabotage</u> <u>Records retained 'just in case'.</u> <u>Lack of awareness of what information is held and therefore when it should be disposed of.</u> <u>Reduction in staff / staff not replaced results in increased workload – could impact on ability to archive / destroy records</u></p>	<p><u>electronic information</u> <u>Inability to protect Council's best interests in cases of litigation because relevant records have been destroyed or can't be found</u> <u>Premature destruction seen as an attempt to prevent disclosure</u> <u>Regulatory, court or financial penalties</u> <u>Damage to reputation and integrity</u></p>						
<p><u>Risk 6: Failure to create or locate reliable records as evidence of business decisions and activities</u></p>		<p><u>Active Controls</u></p>		<p><u>Proposed controls</u></p>			
<p><u>Cause</u></p>	<p><u>Effect</u></p>	<p><u>Last Period</u></p>	<p><u>Current</u></p>	<p><u>Target</u></p>			
<p><u>Records not created in the first place that documents key decisions and activities</u> <u>Records retained unnecessarily result in large volumes of data to be searched if information is requested</u> <u>Electronic records (network drives and e-mail) not stored / saved correctly.</u> <u>Physical records not stored in their correct location</u> <u>Electronic and physical filing not carried out regularly.</u></p>	<p><u>Breach of DPA and FOI</u> <u>Records required for evidential purposes (i.e. in court) will not be available</u> <u>Inability to defend the Council in any legal action</u> <u>Critical information can't be found or takes too long to find when needed</u></p>	<p><u>I</u></p>	<p><u>F</u></p>	<p><u>I</u></p>	<p><u>F</u></p>	<p><u>I</u></p>	<p><u>F</u></p>
<p><u>Risk 7: Information assets, including vital records, lost as a result of fire, flood, server failure, a power loss etc.</u></p>		<p><u>Active Controls</u></p>		<p><u>Proposed controls</u></p>			
<p><u>Cause</u></p>	<p><u>Effect</u></p>	<p><u>I</u></p>	<p><u>F</u></p>	<p><u>I</u></p>	<p><u>F</u></p>	<p><u>I</u></p>	<p><u>F</u></p>

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

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

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

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

Suggested proposed controls

	<u>Target date</u>	<u>Risk 1</u>	<u>Risk 2</u>	<u>Risk 3</u>	<u>Risk 4</u>	<u>Risk 5</u>	<u>Risk 6</u>	<u>Risk 7</u>
<u>Review storage of vital records</u>								
<u>Tidy work area to be enforced, leading to regular filing of physical records.</u>								
<u>Raise awareness of importance of keeping records, one of the organisation's most important resources, correctly.</u>								
<u>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).</u>								
<u>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.</u>								
<u>Remind all staff to double-check address details (email and hard copy) – significant number of breaches still being reported in this area.</u>								
<u>Review Information Asset Registers</u>								
<u>CCTV review</u>								
<u>WASPI Facilitator trained for Service Area</u>								
<u>Raise awareness of new 2 min DPA training and new IG intranet</u>								
<u>Raise awareness of Data Controller and Data Processor Agreements</u>								
<u>Identify records requiring long-term retention that are held electronically, so that digital preservation requirements can be considered</u>								
<u>Add any additional proposed controls relevant to your Service Area</u>								



CABINET – 18TH OCTOBER 2017

SUBJECT: CHILDREN'S BURIAL FEES

REPORT BY: CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To seek the views of Cabinet on establishing a Memorandum of Understanding (MoU) between Welsh Government and Local Government across Wales in respect of adopting a consistent approach to children's burial fees in place.

2. SUMMARY

- 2.1 Members may be aware of the recent campaign led by Carolyn Harris (MP for Swansea East) to abolish charges imposed by local Authorities for the interment of children.
- 2.2 On 1st February, Cabinet resolved to remove the interment fee of children up to and including the age of 16 years. However, there would still be costs associated with the purchase of the Exclusive Rights of Burial if chosen by the bereaved family.

3. LINKS TO STRATEGY

- 3.1 The Authority currently has "bronze status" in the "Charter for the Bereaved", which is promoted by the Institute of Cemetery & Crematorium Management (ICCM). The Charter sets out a number of "Rights", which should be available to the bereaved at all times. In addition, it sets out a number of targets to which the Authority should aspire.
- 3.2 The division's aim in relation to bereavement services is to "provide a customer focused, sensitively delivered bereavement service and to achieve excellent standards in cemetery management and maintenance".
- 3.3 The Wellbeing of Future Generations (Wales) Act 2015 is about improving the social, economic, environmental and cultural wellbeing of Wales. It requires public bodies to think more about the long term, working with people and communities, looking to prevent problems and take a more joined up approach. This will create a Wales that we all want to live in, now and in the future. The Act puts in place seven wellbeing goals and the content of this report links into three i.e. "a more equal Wales, a prosperous Wales and a healthier Wales".

4. THE REPORT

- 4.1 Bereavement services is probably one of the most sensitive frontline services provided by the Authority and deals with circa 750 interments per annum.
- 4.2 The statutory arrangements for the management of municipal cemeteries is contained in the Local Authorities Cemeteries Order 1977 (LACO).

- 4.3 Article 15(1) of LACO permits local Authorities “to charge such fees as they think proper for or in connection with burials in a cemetery”.
- 4.4 Welsh Government is currently working with local Authorities to establish a MoU between Welsh Government and Local Government in respect of adopting a consistent approach to children’s burial fees.
- 4.5 The detail of the MoU proposed by Welsh Government is that the following set of standards be adopted:-
- (i) That all Councils agree to stop charging fees for the burial or cremation of children;
 - (ii) That a common definition of a child being up to and including 18 years of age is adopted.
- 4.6 However, there is still a great deal of work required between officers and Welsh Government to establish which fees should be included and whether there are any conditions or restrictions. A common view needs to be established on what is included in/meant by the “removal of charges”.
- 4.7 The next Partnership Council for Wales meeting is scheduled to take place on the 8th November. Welsh Government would like to use this opportunity to showcase the shared commitment.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report contributes to the wellbeing goals as set out in the Links to Strategy section above.
- (i) A Healthier Wales - If members are minded to remove charges, this will clearly reduce stress on families at probably one of the most difficult time of their lives.
 - (ii) A Prosperous Wales - The removal of charges for children will clearly assist less affluent families with funeral costs.
 - (iii) A More Equal Wales - The removal of the charges for children will give equal access to services for all residents irrespective of wealth.

6. EQUALITIES IMPLICATIONS

- 6.1 There are no potential equalities implications associated with this report for any specific groups or individuals therefore a full Equalities Impact Assessment has not been carried out.

7. FINANCIAL IMPLICATIONS

- 7.1 Whilst the contents of the MoU is yet to be established, to enable members to make an informed decision, during 2016/17 the Authority dealt with the interment of two children (under the age of 18 years). Should members be minded to waive all fees associated with these burials, this would have resulted in the potential loss of income in the sum of £1,487. However, this could be absorbed due to the actual cemeteries income being above the budgeted level. At this stage it is still not clear whether Welsh Government wish to waive burial fees only or other associated fees as well.

8. PERSONNEL IMPLICATIONS

8.1 There are no personnel implications associated with this report.

9. CONSULTATIONS

9.1 This report reflects the views of the listed consultees.

10. RECOMMENDATIONS

10.1 Cabinet agrees that the Authority commits to working closely with Welsh Government on the formation of the MoU in respect of children's burials and that once the final MoU is drafted; officers present a further report to Cabinet.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To allow officers to work with Welsh Government Officials on the formation of a MoU between Welsh Government and Local Government across Wales and to adopt a consistent approach in relation to children's burial fees.

12. STATUTORY POWER

12.1 Local Authorities Cemeteries Order 1977.

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Mark S. Williams, Head of Community & Leisure Services
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Stephen R. Harris, Interim Head of Corporate Finance (harrisr@caerphilly.gov.uk)
Gail Williams, Interim Head of Legal & Democratic Services
(willige@caerphilly.gov.uk)
Councillor Nigel George, Cabinet Member for Community & Leisure Services
(georgn@caerphilly.gov.uk)
Anwen Rees, Senior Policy Officer (reesma@caerphilly.gov.uk)

Background Papers:
Report to Cabinet on 1st February 2017

Gadewir y dudalen hon yn wag yn fwriadol



CABINET – 18TH OCTOBER 2017

SUBJECT: THE DEVELOPMENT OF A COMBINED SENSORY AND COMMUNICATION SERVICE (SENCOM)

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

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- 1.1 The report, which was presented to Education for Life Scrutiny Committee on 26 September 2017, provided Members with an update on the proposals to transfer the Gwent Visual Impairment Service, currently hosted and managed by Caerphilly County Borough Council (CCBC), on behalf of the five Local Authorities (LAs) in the South East Wales Consortium to Torfaen County Borough Council. Torfaen currently hosts and manages the Hearing Impairment (HI) Service and the Communication Intervention Teams (ComIT) on behalf of the region.
 - 1.2 The report detailed all consultation outcomes undertaken between November 2016 and June 2017 in relation to the proposal. It was noted that feedback overall was positive with service staff identifying benefits such as greater flexibility, more efficient use of resources and combined budgets, however, some of the threats identified included the potential loss of IT systems, harmonising job descriptions and terms and conditions. On consultation with third sector colleagues, feedback was positive and it was felt that timescales were sufficient to ensure a smooth transition and continuation of service, providing minimal disruption to Service Users.
 - 1.3 The Scrutiny Committee considered the report at length and raised queries in relation to the impact on Service Users and how concerns raised by staff would be addressed. Officers explained that there are currently 3 teams provided services across the boroughs, often services could be duplicated, as individual need isn't necessarily limited to one service. As a result, the combined service would reduce the duplication of service delivery and provide a more streamlined service to the users, whilst also reducing resource requirement and working more effectively. In reference to staff concerns, Officers explained that consultations have been conducted and work is underway to consider the variety of systems currently in place across the service areas, consideration would be given to streamlining this to the most effective systems and data transfers undertaken. In addition, Terms and Conditions of contracts need to be considered as these differ across Authorities.
 - 1.4 Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons outlined in the Officers report:

- (i) the Scrutiny Committee noted the report; and
 - (ii) the transfer of the VI service to Torfaen CBC be supported and recommended to Cabinet for agreement.
- 1.5 Members are asked to consider the report and endorse the recommendations from Education for Life Scrutiny Committee.

Author: C. Evans, Committee Services Officer, Democratic Services
Ext. 4210

Appendix:
Report to Cabinet dated 7th June 2017.



EDUCATION FOR LIFE SCRUTINY COMMITTEE – 26TH SEPTEMBER 2017

**SUBJECT: THE DEVELOPMENT OF A COMBINED SENSORY AND
COMMUNICATION SERVICE (SENCOM)**

REPORT BY: CHIEF EDUCATION OFFICER

1. PURPOSE OF REPORT

- 1.1 To update Members regarding the proposals to transfer the Gwent Visual Impairment Service, currently hosted and managed by Caerphilly County Borough Council (CCBC) on behalf of the five Local Authorities (LAs) in the South East Wales Consortium to Torfaen County Borough Council. Torfaen currently hosts and manages the Hearing Impairment (HI) Service and the Communication Intervention Teams (ComIT) on behalf of the region. The current structure can be seen in **Appendix 1**. The report is seeking the views of Members prior to its presentation to Cabinet.
- 1.2 The report sets out all consultation outcomes undertaken between November 2016 and June 2017 in relation to the proposal.

2. SUMMARY

- 2.1 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.

3. LINKS TO STRATEGY

- 3.1 Caerphilly CBC Corporate Plan - Improve outcomes for all learners particularly those vulnerable to underachievement.
- 3.2 Education (Wales) Act 2014
School Standards and Organisation (Wales) Act 2013
Education Act 1996 – Equality Act 2010
- 3.3 The report contributes towards the Well-being Goals within the Future Generations Act (Wales) 2015, specifically:
 - A prosperous Wales as this is about developing a skilled and well educated population;
 - A healthier Wales as this is about maximising peoples physical and well-being;
 - A more equal Wales, as this is about enabling people to fulfil their potential no matter what their background or circumstances are.

4. THE REPORT

4.1 Following a report to Cabinet on 5th October 2016 (attached as **Appendix 5**), it was agreed to proceed to a formal consultation process in relation to the proposal to transfer all SenCom Caerphilly CBC employees to Torfaen CBC. This report sets out the range of activities undertaken and the outcomes for each of these work streams.

4.2 Following agreement from both Torfaen and Caerphilly CBC Cabinets to consult on the proposal for one authority to host the combined services, a number of project groups and consultation activities were initiated:

Consultation Activity:

1. Sensory & Communication Support Service (SenCom)
2. Caerphilly Staff working as part of SenCom
3. Key third sector partners.

Project Groups:

1. Finance
2. Information Technology Support Systems
3. Human Resources
4. Building and Contracts

4.3 A consultation process took place between November 2016 and June 2017.

4.4 Extensive consultation has taken place within SenCom and in a wider context in relation to this proposal and activities have included:

- Whole service development day focused on analysis of the proposal – 24/11/16.
- Initial meeting with Caerphilly CBC SenCom staff and representatives from CCBC Human Resources and Senior Leaders – 01/12/16.
- Update briefing sent to all schools across South East Wales Consortium – December 2016.
- SenCom hosted a consultation morning with third sector organisations including among others. Royal National Institute for the Blind, SENSE – Support for MSI Children & Adults, National Deaf Children's Society – 27/01/17
- Update Briefing sent to Additional Learning Needs South East Wales Directors Working Group – February 2017.
- Caerphilly SenCom Staff follow-up meeting with HR and Union Representation – 02/02/17
- Individual consultations with Caerphilly SenCom staff with Head of Service - March 2017.

4.5 Activity Outcomes:

Service Staff have been fully involved in the consultation process and have actively shaped the service aims as it moves forward. The staff of SenCom saw significant benefits in moving to one host authority and the cascade impact that would have, including:

- Greater flexibility and more efficient use of resources with combined budgets across the teams.
- More cohesive joint working between the teams and with our partner agencies in health and social care.
- Greater opportunities to use the excellent pool of skills across the service.
- Developing opportunities for more after school/holiday clubs that reach a larger cohort of children.
- Further opportunities to develop the advice and support we offer to Welsh-medium nursery and school settings.
- Advice to schools will be far more co-ordinated so they get only the key messages they need to have an impact on a child's learning.

Outcomes from all consultation exercises are attached as **Appendix 4**.

The weaknesses and threats that staff were concerned about included:

- The potential loss of IT systems that worked well e.g. Idox
- A need to harmonise job descriptions and titles across the three teams, particular for the teaching assistants, with some having the prefix 'specialist' and others not. Some being historically designated as Higher Level Teaching Assistants by one authority when this didn't happen in another.
- Concerns about losing the identity of each of the specialist teams.

4.6 Extensive discussion has been carried out with Caerphilly CBC employed staff on the implications of a possible transfer to Torfaen CBC and the potential routes forward to mitigate their concerns, which include:

- Annual leave entitlement for some staff depending on their terms and conditions. Caerphilly staff have 28 days, Torfaen staff have 31.
- Implications on flexi time currently held by different staff.
- Difference in Bank Holiday entitlements between the two authorities. Caerphilly staff have 9, Torfaen staff have 11
- Parity of grades and salaries between roles in each service
- Pay dates are also different with Caerphilly being the 15th and Torfaen on the last day of the month.

4.7 Third sector colleagues were very positive about the proposal and felt that the timescales suggested allowed sufficient time to ensure a smooth transition with no break in service to the schools and families the service supports. They felt it offered a stable financial platform for the future. They wanted to ensure that any regional partnership board that service reported to include the voice of families and children and were keen to support and be part of this element of the proposal. It is considered that concerns from staff and partner organisations are operational and can be effectively managed through existing capacity and recourses should the transfer take place

Project Groups

4.8 Finance

4.8.1 As indicated in the report to Cabinet on 5th October 2016, the Chief Education Officer and the Head of Service believed the proposals will be a positive development, as they will significantly support the development of a seamless, co-ordinated service that provides far more focused support to schools, families and settings through joined up advice and intervention.

4.8.2 All costs associated with the services involved are already fully funded via a Service Level Agreement (SLA) with the five local authorities. Finance Officers from both Councils have exchanged information on the current budgets for the three individual teams. Work is ongoing with the Finance Officers and the Head of SenCom with regard to the future service structure, potential savings and Service Level Agreement. These proposals will be discussed with Directors and the Joint Executive Group in the Autumn Term 2017.

4.8.3 All proposals will take account of any harmonisation issues that would occur if staff choose to accept an offer of appointment from Torfaen CBC following transfer. There are a few staff that, because of variation in pay scale demarcation, would become entitled to one or two annual increments if they accept a Torfaen contract. Transition and harmonisation staffing costs are estimated at £20k, the cost of which can be met from within the existing service budget (funded through SLA arrangements).

4.8.4 As staff are currently co-located on the same building in Torfaen, there will be no relocation or removal costs. Careful budget management has ensured that there is sufficient resource available to cover transitional costs associated with transfer of IT assets between the councils.

4.9 Information Technology

4.9.1 SenCom is currently made up of three teams, all of whom are based at Brecon House in Cwmbran. Within the building there are two distinct IT systems developed on an adhoc basis by both councils over the years. There is an efficiency and business need to rationalise and harmonise these systems.

A data processing agreement will be required going forward and will consider the relationship between SRS, CCBC, GVIS and all constituent LAs. An information governance agreement will also be developed to support the collaboration. This will consider which organisation is the data controller. Privacy notices will be reviewed in order that service users understand who the data controller is and what information will be used for.

4.9.2 As the workforce are very mobile, working in a number of different educational settings across five authorities, the proposed transfer is an ideal opportunity to ensure staff have the right hardware and software to have good digital connectivity when away from the office setting. This will enable them not only to remain plugged into the service communication system but to better use the technology at their disposal to enrich the learning experiences for the children and young people they provide intervention for. In order for this to happen, an integrated IT system for SenCom needs to encompass:-

- Agile work assets including laptops and smartphones for staff who are peripatetic.
- Remote network support for all staff to allow access to email, sickness and expense/leave management systems.
- Microsoft Office suite.
- Transfer of specialist GVIS software to become Shared Resource Service (SRS) assets.
- Transfer of GVIS iPads to become SRS supported assets.
- An electronic file management system to be used across the service. Currently only GVIS have this.
- An integrated service wide referral and caseload management software solution, as at the moment there are three.
- Integrated telephony network that provided one number contact for service users and rapid transfer to relevant team. There are presently two telephone networks that can't be integrated.
- Comprehensive migration of GVIS data into SRS Servers.

4.9.3 The Service has worked with a Senior Developer Project Analyst from SRS to scope the solutions and process required to achieve these requirements. The design of the proposed business operating model and its implementation is being undertaken to determine the associated features and functions required to achieve a viable product for the service.

4.9.4 Regular meetings will take place with the Head of IT at Caerphilly CBC to plan how the department can support the proposed transfer. A principle has been agreed that following a phased transfer of assets and data migration, any new IT solutions for the service moving forward should be supported by SRS without the need for ongoing Caerphilly intervention. Agreement has been reached on the following:-

- The migration of data from Caerphilly software systems such as PSS and Strive will be possible, with a data format specification being produced so that it can be sucked into a new service caseload management system. There is ongoing planning work between SRS, SenCom and CCBC IT Services to develop a detailed project plan and data processing agreement for SRS to process data on their servers and provide IT support, should the project be given Cabinet consent.
- The electronic file management system the service wishes to adopt across all three teams, idox is already used by Torfaen CBC and supported by SRS. A process to ensure the correct components of this software suite are licenced by SRS is currently being undertaken.

- Caerphilly IT are happy to facilitate the transfer of hardware assets such as laptops and iPads to SRS, if they are felt to still have a useable lifespan.
- The notice for turning off the network Caerphilly supply to Brecon House will only be given once SRS are satisfied they have fully taken over all IT management systems.
- There is still outstanding work to be completed by the IT project group to identify business solutions to meet the strategic aims for the proposed transfer. A timeline for phased implementation is also required.
- This is the most complex and large scale project related to the proposal. The complexity suggests that a phased approach to the implementation of IT processes would be sensible. This would entail that staff have access to the software, assets and systems they need to carry out front line duties from day one of a transfer- 01/01/18. The strategic data management systems will come on-line within a maximum of six months of this transfer date.

4.10 Human Resources

- 4.10.1 CCBC staff employed in GVIS immediately before the transfer and whose employment would have continued with the Council beyond the date of transfer, automatically become employees of Torfaen CBC on the transfer date. Twenty employees (14.4 fte) would automatically transfer to Torfaen CBC under the protection arrangements of TUPE should the transfer be approved. The service has used this opportunity to develop a strategic harmonisation position.
- 4.10.2 The coming together of all SenCom Services under one host authority could mean that current differences between the services terms and conditions are removed. As the informal consultation has progressed, the service has developed a strategic harmonisation proposal with Torfaen CBC that will allow all CCBC staff who are in scope to transfer to Torfaen CBC under TUPE, the opportunity to be appointed to Torfaen's Terms and Conditions of Employment, immediately following their transfer.
- 4.10.3 Caerphilly employees who have been identified as being in scope and who wish to accept an appointment offering the terms and conditions of Torfaen CBC will not suffer any detriment under this proposed arrangement. For staff on NJC Pay and Conditions there would be advantages to them accepting the terms and conditions of employment as follows:
- The annual leave entitlement would be 31 rather than 28 days following ten years' service
 - Torfaen offer eleven bank holidays entitlement as opposed to Caerphilly's nine.
 - Flexi-time for those currently on the Caerphilly scheme would be available at a similar level of a maximum 24 days in a year on a Torfaen CBC contract
 - For a minority of staff because of a slight pay grading differences between the two councils they would become eligible for one or two more annual incremental points over the course of their employment
- 4.10.4 As with TUPE there would be no break in service and the Local Government Pension Scheme applies to both employers. To support all staff in the transition between the Caerphilly pay date of the 15th and Torfaen being on the last day of the month, for those staff who request it a % bridging loan on flexible terms would be provided by Torfaen CBC
- 4.10.5 As recorded earlier in this report there have been a number of opportunities for staff from all three services to have an input into the consultation process and explore the implications of TUPE alongside support from union colleagues. If both Cabinets agree the proposal, a period of formal consultation and due diligence will take place between 19th October to 24th November 2017. This would include, where requested, one to one sessions with staff to discuss individual terms of the service transfer, which could either be via TUPE or appointment to a Torfaen terms and conditions contract as illustrated above. The employees' period of continuous employment will not be broken by the transfer/appointment - (**Appendix 2**).

4.11 Building and Contracts

- 4.11.1 The building SenCom occupies, which is Brecon House in Cwmbran, hosts a regional specialist pre-school setting for children with multi-sensory impairments. This provides a one stop shop for parents of very vulnerable children and young people to meet and share experiences together as well as receive advice and guidance whilst their children obtain specialist early intervention. It is very well established and is constantly developing its programme of events.
- 4.11.2 During the consultation period the ten year lease on the building reached the end of its term. In preparation for any transfer of staff and assets to Torfaen the service engaged colleagues from both Councils' relevant Estates and Departments to support the renegotiation of the lease in order to ensure the new terms would be acceptable to both councils. Those negotiations have now been substantially concluded with an agreement that both lead officers have endorsed. Three yearly break clauses have been added to tie in with a proposed three year service budget and service level agreement to provide all five authorities with greater flexibility with the management of the service moving forward.
- 4.11.3 Service and building operation is supported by a number of maintenance contracts. There are also a number of contracts for the maintenance of specialist provision the service employs such as the sensory room. In total there are eleven contracts in place. Some of these are on a rolling twelve month basis. Some have a longer term to finish, for example our washroom supplier is currently eighteen months into a three year contract.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 The proposal in 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 and more specifically for the principles noted below:
- Long Term – The report recognises the importance of balancing short-term needs with the needs to safeguard meeting long-term needs. Combining services under one host local authority will provide a financially more sustainable and efficient Service. Efficiencies from the proposed amalgamation could be used to enhance and focus service resources for the vulnerable young people the service supports.
 - Prevention – We are acting to prevent problems occurring by running a consultation with a view to harmonising services under one local authority. Without the ability to combine budgets and rationalise service purchasing financial efficiency benefits cannot be achieved for the five local authorities.
 - Involvement – The consultation recognises the importance of involving people with an interest in achieving the outcome and those people reflect the diversity of the area which the report addresses. All relevant stakeholders have been involved in the consultation process including third sector organisations.
 - Collaboration – we have considered who we should collaborate with to achieve this goal and these groups are noted previously in this report.
 - Integration - a more efficient and focussed Sensory and Communication Service will support targets in both Torfaen and Caerphilly's Corporate Plans to raise educational attainment for all learners particularly those vulnerable to underachievement. Improved outcomes for children and young people with sensory and communication difficulties will contribute to the aim of developing a skilled and well educated population in Wales and enable children and young people to fulfil their potential.

6. EQUALITIES IMPLICATIONS

- 6.1 Any potential transfer of Caerphilly staff will need to consider how similar job roles across the service are standardised to ensure equity of terms and conditions and requirements of the role. This has been addressed through an extensive and thorough consultation. TUPE

legislation determines that staff within scope will automatically transfer on their existing terms and conditions however Torfaen CBC have indicated that they will offer all staff who are in scope to transfer, the opportunity to be appointed to Torfaen CBC terms and conditions of service immediately following transfer.

- 6.2 Opportunities for children, young people their families; third sector organisations as well as schools and early years settings to shape service development will be enhanced within the revised SenCom operational model. Stakeholder representatives will be included on a Partnership Board as part of the governance arrangements. The Head of SenCom will make regular reports on the services functioning and impact to the regional Joint Education Group (JEG) which will consider strategic direction, MTFP, and service performance.
- 6.3 An Equality Impact Assessment has been completed in relation to the proposal and is attached as **Appendix 3**.

7. FINANCIAL IMPLICATIONS

- 7.1 The combined budget of the 3 Sensory Services, currently hosted by Caerphilly CBC and Torfaen CBC is £2.3m. As an Authority, Caerphilly CBC contributes circa £739k, approximately 32% of the total cost. Within the context of the £2.3m, the total budget of the VI Service, currently hosted by Caerphilly CBC is £1.2m of which £390k is the Authority's SLA commitment.
- 7.2 As indicated in para 4.8.3 all costs associated with the proposed transition can be managed from within the total current budget. It is anticipated that there will be financial efficiencies going forwards, in addition to strengthening service delivery. Officers are mindful of the need to make savings going forwards.
- 7.3 Since the Sensory Services are funded by the 5 Local Authorities, all future proposals will be discussed and agreed by Directors and the Joint Executive Group in the Autumn Term 2017.

8. PERSONNEL IMPLICATIONS

- 8.1 Twenty Caerphilly CBC staff would transfer to the employment of Torfaen CBC from a proposed date of 1st January 2018, as indicated under point 4.10 of this report, entitled Human Resources.
- 8.2 All collective agreements and trade union recognition agreements binding on the Council will transfer to Torfaen Council with the employee. The employee's period of continuous employment will not be broken by the transfer.

9. CONSULTATIONS

- 9.1 As stated in 4.2 a range of consultation activities were initiated with:

- The Sensory & Communication Support Service
- Caerphilly staff working as part of SenCom
- Key third sector partners.

In addition a number of information sharing events also took place:

- Presentations at Additional Learning Needs Coordinator Forums across the region
- Article for Schools e-newsletters across the five authorities.
- Feed back to multi-professional forums.

9.2 This report has also been circulated to the list of consultees identified at the end of this report and all responses from the consultation have been incorporated in the report.

10. RECOMMENDATIONS

10.1 Members are asked to note the contents of this report.

10.2 Members are asked to support the transfer of the VI service to Torfaen CBC and support progressing to Cabinet for agreement.

11. REASONS FOR THE RECOMMENDATIONS

11.1 Current hosting arrangements do not easily allow the development of a strong framework to support SenCom's evolving operational structure. One aligned support system and oversight structure will further develop its quality led delivery of services. A team that has the unified resources it needs to work flexibly and enhance the learning experiences will also further enable the best outcomes for vulnerable learners and build capacity across all schools and settings within the consortium.

12. STATUTORY POWER

- Well-being of Future Generations (Wales) Act 2015
- Education (Wales) Act 2014
- School Standards and Organisation (Wales) Act 2013
- Education Act 1996 - Equality Act 2010

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Consultees: Chris Burns, Interim Chief Executive
Nicole Scammell, Acting Director of Corporate Services & S151
Dave Street, Corporate Director – Social Services
Christina Harrhy, Corporate Director - Communities
Cllr Philippa Marsden, Cabinet Member, Education and Achievement
Cllr Wynne David, Chair, Education for Life Scrutiny Committee
Cllr Gaynor Oliver, Vice Chair Education for Life Scrutiny Committee
Keri Cole, Chief Education Officer
Sue Richards, Interim Head of Service: Planning Strategy and Resources
Lynne Donovan, Acting Head of Human Resources and Organisational Development
Gail Williams, Interim Head of Legal Services & Monitoring Officer
Jane Southcombe, Financial Services Manager
Kathryn Peters, Corporate Policy Manager
Paul Lewis, Acting Head of IT
Tim Broadhurst, Estates Manager
Anwen Cullinane, Senior Policy Officer – Equalities and Welsh Language

Appendices:

Appendix 1 – Current Structure

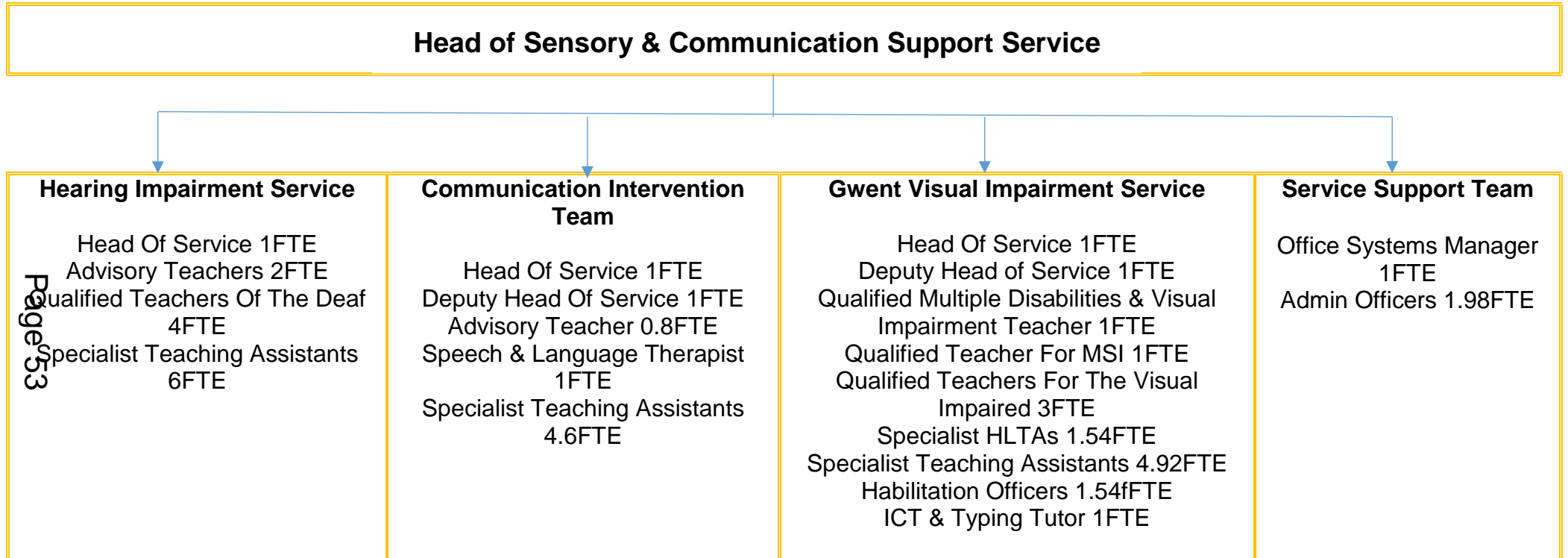
Appendix 2 – TCBC Terms & Conditions variances to CCBC

Appendix 3 – Equality Impact Assessment

Appendix 4 – Responses from consultation exercise

Appendix 5 – Report to Cabinet dated 5th October, 2016

Sensory & Communication Support Service Structure As Of September 2017



TCBC Terms & Conditions – Variances to CCBC

Appendix 2

	CCBC	Torfaen NJC	Comparison
Annual Leave Start	The leave year commences on 1 January and terminates on 31 December in any year 24	The leave year commences on 1 April in any year and terminates on 31 March the following year. 23 days	
Annual Leave 5 years	28	28	
Annual Leave 10 years	N/A	31	
Bank Holidays	9	11	Torfaen overall more favourable on total days when including BH statutory days
Public & Extra Statutory Bank Holidays	Same	Employees required to work on a public or extra statutory holiday shall, in addition to the normal pay for that day, be paid at plain time rate for all hours worked within their normal working hours for that day. In addition, at a later date, time off with pay shall be allowed as follows: - Time worked less than half the normal working hours on that day- Half Day . Time worked more than half the normal working hours on that day- Full Day	
Additional leave	Leave of Absence Scheme available	A range of special leave provisions. A schedule of provisions is available	Same/similar
Flexi Leave	In principle the same - Up to 6 flexi days, taken as full or half days during one period of settlement. Each settlement period is 12 weeks and follows on from the other. You can carry forward no more than 37 credit hours from one settlement period to another and the maximum number of debit hours is 10 hours at the end of each 12 week period.	Up to 24 days a year. Maximum of 6 days can be taken in a 3 month period, 3 month accounting period/10 hours deficit	Same/similar
Pension	Local Government Pension Scheme	Local Government Pension Scheme	Same
Sickness Payments	Same	1 st year – 1 month full pay and (after 4 months service) 2 months half pay.	Same

		<p>2nd year – 2 months full pay and 2 months half pay.</p> <p>3rd year – 4 months full pay and 4 months half pay.</p> <p>4th and 5th year – 5 months full pay and 5 months half pay</p> <p>After 5 years – 6 months full pay and 6 months half pay</p>	
Car Mileage	<p>Same.</p> <p>In order to help the Council meet its sustainable development agenda, a payment of 5p per passenger per business mile, up to the maximum of the seating capacity of the car.</p> <p>All claims to be accompanied by a VAT receipt.</p>	45 pence per mile	Same
<p>Increments</p> <p>Page 55</p>	<p>Increments will be paid on 1st April each year until the employee reaches the maximum paid increment of their grade subject to the following: -</p> <p>There are no disciplinary sanctions in place barring your incremental progression.</p> <p>At least six months have been served in this post. If six months have not been served by 1 April, your increment will be awarded on the anniversary date that marks six months in post.</p>	<p>Increments will be paid on 1st April each year until the employee reaches the maximum paid increment of their grade subject to the following: -</p> <p>Employees with less than 6 months service in the new grade by 1st April will be paid their increment 6 months after their appointment, promotion or re-grading.</p> <p>Employees on designated career grades will progress through the career grade in accordance with the criteria laid down with the individual scheme ratified by the job evaluation process.</p>	
Detriment Scheme	18 month's pay protection subject to a pay differential of no more than 2 grades.	2 years pay protection	

EQUALITY IMPACT ASSESSMENT FORM

April 2016

THE COUNCIL’S EQUALITIES STATEMENT

This Council recognises that people have different needs, requirements and goals and we will work actively against all forms of discrimination by promoting good relations and mutual respect within and between our communities, residents, elected members, job applicants and workforce.

We will also work to create equal access for everyone to our services, irrespective of ethnic origin, sex, age, marital status, sexual orientation, disability, gender reassignment, religious beliefs or non-belief, use of Welsh language, BSL or other languages, nationality, responsibility for any dependents or any other reason which cannot be shown to be justified.

NAME OF NEW OR REVISED PROPOSAL *	The proposal is to enable all employees of Caerphilly CBC who work for the regional Sensory and Communication Service (SenCom) to transfer their employment to Torfaen CBC.
DIRECTORATE	Education and Lifelong Learning
SERVICE AREA	Additional Learning Needs -
CONTACT OFFICER	Jacquelyn Elias
DATE FOR NEXT REVIEW OR REVISION	

***Throughout this Equalities Impact Assessment Form, ‘proposal’ is used to refer to what is being assessed, and therefore includes policies, strategies, functions, procedures, practices, initiatives, projects and savings proposals.**



INTRODUCTION

The aim of an Equality Impact Assessment (EIA) is to ensure that Equalities and Welsh Language issues have been proactively considered throughout the decision making processes governing work undertaken by every service area in the Council as well as work done at a corporate level.

The form should be used if you have identified a need for a full EIA following the screening process covered in the [Equalities Implications in Committee Reports](#) guidance document (available on the [Equalities and Welsh Language Portal](#) on the Council's intranet).

The EIA should highlight any areas of risk and maximise the benefits of proposals in terms of Equalities. It therefore helps to ensure that the Council has considered everyone who might be affected by the proposal.

It also helps the Council to meet its legal responsibilities under the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011, the Welsh Language (Wales) Measure 2011 and supports the wider aims of the Well-being of Future Generations (Wales) Act 2015. There is also a requirement under Human Rights legislation for Local Authorities to consider Human Rights in developing proposals.

Specifically, Section 147 of the Equality Act 2010 is the provision that requires decision-makers to have 'due regard' to the equality implications of their decisions and Welsh Language Standards 88-97 require specific consideration of Welsh speakers under the Welsh Language Standards (No.1) Regulations 2015.

The Older People's Commissioner for Wales has also published 'Good Practice Guidance for Equality and Human Rights Impact Assessments and Scrutinising Changes to Community Services in Wales' to ensure that Local Authorities, and other service providers, carry out thorough and robust impact assessments and scrutiny when changes to community services are proposed, and that every consideration is given to mitigate the impact on older people and propose alternative approaches to service delivery.

The Council's work across Equalities, Welsh Language and Human Rights is covered in more detail through the [Equalities and Welsh Language Objectives and Action Plan 2016-2020](#).

This approach strengthens work to promote Equalities by helping to identify and address any potential discriminatory effects before introducing something new or changing working practices, and reduces the risk of potential legal challenges.

When carrying out an EIA you should consider both the positive and negative consequences of your proposals. If a project is designed for a specific group e.g. disabled people, you also need to think about what potential effects it could have on other areas e.g. young people with a disability, BME people with a disability.

There are a number of supporting guidance documents available on the [Equalities and Welsh Language Portal](#) and the Council's Equalities and Welsh Language team can offer support as the EIA is being developed. Please note that the team does not write EIAs on behalf of service areas, the support offered is in the form of advice, suggestions and in effect, quality control.

Contact equalities@caerphilly.gov.uk for assistance.

PURPOSE OF THE PROPOSAL

1	<p>What is the proposal intended to achieve?</p> <p>The Sensory and Communication Support Service consist of three specialist support teams:</p> <ul style="list-style-type: none">• Communication Intervention Team (ComIT)• Gwent Visual Impairment Service (GVIS)• Hearing Impairment Service (HIS)• <p>Caerphilly CBC currently host Gwent Visual Impairment Service on behalf of the five LAs in South East Wales Consortium. Torfaen CBC currently manage the Hearing Impairment Service and the Communication Intervention Teams on behalf of the region.</p> <p>The proposal is to enable all employees of Caerphilly CBC who work for the regional Sensory and Communication Service (SenCom) to transfer their employment to Torfaen CBC.</p>
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2	<p>Who are the service users affected by the proposal?</p> <p>Staff members currently employed by Caerphilly CBC and working in various capacities for SenCom i.e. advisory teachers, specialist teachers, teaching assistants and administrative staff, would be affected by the proposal.</p>
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IMPACT ON THE PUBLIC AND STAFF

3	<p>Does the proposal ensure that everyone has an equal access to all the services available or proposed, or benefits equally from the proposed changes, or does not lose out in greater or more severe ways due to the proposals?</p> <p>Any potential transfer of Caerphilly staff will need to consider how similar job roles across the service are standardised to ensure equity of terms and conditions and requirements of the role. This has been addressed through consultation. TUPE legislation determines that staff within scope will automatically transfer on their existing terms and conditions however Torfaen CBC have indicated that they will offer all staff who are in scope to transfer, the opportunity to be appointed to Torfaen CBC terms and conditions of service immediately following transfer.</p> <p>The proposal will not have any detrimental effect on services to schools or pupils with specific sensory impairments. Children and young people with disabilities will continue to have full access to specialist support services.</p>
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	<p>Actions required:</p> <p>If the proposal is agreed by Cabinet period of formal consultation and due diligence will take place between 4th -29th September 2017. This would include, where requested, one to one sessions with staff to discuss individual terms of the service transfer, which could either be via TUPE or appointment to a Torfaen terms and conditions contract as illustrated above.</p>
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<p>4</p>	<p>What are the consequences of the above for specific groups?</p> <p>Service delivery will be unaffected by the proposal and there would not be any impact on groups of pupils with protected characteristics.</p>
	<p>Actions required:</p> <p>No action required</p>

<p>5</p>	<p>In line with the requirements of the Welsh Language Standards. (No.1) Regulations 2015, please note below what effects, if any (whether positive or adverse), the proposal would have on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language.</p> <p><i>(The specific Policy Making Standards requirements are Standard numbers 88, 89, 90, 91, 92 and 93. The full detail of each Standard is available on the Equalities and Welsh Language Portal)</i></p> <p>The proposal would not have any effect on the opportunities for persons to use the Welsh language or contribute to Welsh language being treated less favourably than the English language.</p>
	<p>Actions required:</p> <p>No action required</p>

INFORMATION COLLECTION

6	<p>Is full information and analysis of users of the service available? <i>(Is this service effectively engaging with all its potential users or is there higher or lower participation of uptake by one or more groups? If so, what has been done to address any difference in take up of the service? Does any savings proposals include an analysis of those affected?)</i></p> <p>If the proposal is agreed, the likely benefits of this would be improved efficiency in the way staff and resources are deployed, thereby enhancing directly the provision to children families and schools.</p> <p>The proposal will not have any detrimental impact on service delivery to children and young people with sensory impairments. As part of the consultation process third sector organisations such as the RNIB, NCDS and SENSE were given the opportunity to comment on the proposal. The response from that sector to the proposal was positive.</p>
	<p>Actions required:</p> <p>No further action required</p>

CONSULTATION

7	<p>What consultation has taken place? Consultation events included</p> <ul style="list-style-type: none"> • Whole service development day focused on analysis of the proposal – 24/11/16. • Initial meeting with Caerphilly CBC SenCom staff and representatives from CCBC Human Resources and Senior Leaders – 01/12/16. • Update briefing sent to all schools across South East Wales Consortium – December 2016. • SenCom hosted a consultation morning with third sector organisations including among others. Royal National Institute for the Blind, SENSE – Support for MSI Children & Adults, National Deaf Children’s Society – 27/01/17 • Update Briefing sent to Additional Learning Needs South East Wales Directors Working Group – February 2017. • Caerphilly SenCom Staff follow-up meeting with HR and Union Representation. – 02/02/17 • Individual consultations with Caerphilly SenCom staff with Head of Service - March 2017. <p>In addition a number of information sharing events also took place:</p> <ul style="list-style-type: none"> • Presentations at Additional Learning Needs Coordinator Forums across the region • Article for Schools e-newsletters across the five authorities. • Feed back to multi-professional forums.
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	<p>Actions required:</p> <p>If the proposal is agreed a period of formal consultation and due diligence will take place between 4th -29th September 2017. This would include, where requested, one to one sessions with staff to discuss individual terms of the service transfer, which could either be via TUPE or appointment to a Torfaen terms and conditions contract as illustrated above.</p>
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MONITORING AND REVIEW

8	<p>How will the proposal be monitored?</p> <p>A Collaboration Agreement will underpin the proposed arrangement with Torfaen as the lead authority. The Collaboration Agreement will detail contributions, reporting arrangements, cessation process and penalties. The joint committee will meet termly and involve senior officers from each of the five LAs.</p> <p>Stakeholder representatives will be included on a Partnership Board as part of the Governance arrangements. It is suggested that the board should include:</p> <ul style="list-style-type: none"> • Additional Learning Needs leads for the five authorities. • Representation from partner third sector organisations such as NDCS, RNIB & SENSE. • Family and young person representation • Representation from Health Board Services. <p>The Head of SenCom will make regular reports on the services functioning and impact to the regional Joint Education Group (JEG).</p> <p>The SenCom complaints system will record any issues by Equalities category and the analysis of complaints and their nature will be reported to the Partnership Board</p>
	<p>Actions required:</p>
9	<p>How will the monitoring be evaluated? <i>(What methods will be used to ensure that the needs of all sections of the community are being met?)</i></p> <p>The Service will provide an annual report which will be presented to the Partnership Board and Joint Education Group (JEG)</p>
	<p>Actions required:</p> <p>No further action required</p>

10	<p>Have any support / guidance / training requirements been identified?</p> <p>The consultation process has not identified any specific training requirements.</p>
	<p>Actions required:</p> <p>No further action required</p>

11	<p>Where you have identified mitigating factors in previous answers that lessen the impact on any particular group in the community, or have identified any elsewhere, please summarise them here.</p> <p>The proposal will not impact on any group in the community.</p>
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12	<p>What wider use will you make of this Equality Impact Assessment?</p> <p>The Equality Impact assessment will be included as an appendix to reports on the proposal to Scrutiny Committee and Cabinet</p>
	<p>Actions required:</p> <ul style="list-style-type: none"> EIA, when completed, to be returned to equalities@caerphilly.gov.uk for publishing on the Council's website.

Completed by:	Jacquelyn Elias
Date:	
Position:	ALN Service Manager
Name of Head of Service:	Keri Cole



Gwasanaethau Cymorth Cyfathrebu a Synhwyrdd

Sensory & Communication Support Service

Background Paper: Feedback from Consultations Relating To New Employment Arrangements and Transfer of Assets for the Sensory and Communication Support Service

Extensive consultation has taken place within SenCom and in a wider context in relation to this proposal and activities have included:

1. Whole service development day focused on analysis of the proposal – 24/11/16.

SWOT Analysis of the Proposal to Move Caerphilly CBC Staff to Torfaen CBC to Have One Host Authority for SenCom

Completed By SenCom Staff at Service Development Day

Strengths

- More staff
- Excellent pool of skills within teams
- Joined up Service
- Range of expertise, resources and IT
- CHAT children
- Any work with Health and Social Care professionals brings them into a joined up service in the long term (Brecon House)
- With new way of working we can build our own capacity focussing on areas of greatest need
- Working from home using VPN
- Flexibility with combined budgets
- Economies of scale
- Joint referrals
- More cohesive working between joint teams
 - ADP (listening pathway)
 - MSI (target setting)
 - Habilitation

Weaknesses

- Torfaen IT systems?
- HLTA's have different definitions with the teams
- Losing idox?
- Losing PSS?

Opportunities

- Shared resources and expertise
- Good communication with the teams

- Sharing training to work within the service
- Share expertise (training on the HI packs)
- Additional roles in the service
- Opportunities for more after school/holiday clubs
- Bigger welsh-medium
- To promote our Service (SenCom) to schools. Will provide us with opportunity to reinforce our needs in partnership working

Threats

- Torfaen IT systems and merging different systems – loss of data
 - Resource data bases not the same
 - Loss of identify of specialist teams
 - Salaries – parity of grades and salaries between roles in each service
 - Annual leave entitlement – Caerphilly staff have 28, Torfaen staff have 31
 - Implications on flexi time
 - Difference in Bank Holiday entitlement
 - Pay dates?
 - Some people finding it hard when in the past they have done things differently (including socialising and celebrating)
 - HI HLTA's job title 'specialist TA' how will this affect status, pay and role?
2. Initial meeting with Caerphilly CBC SenCom Staff and representatives from CCBC, TCBC Human Resources and Senior Leaders – 01/12/16.
 3. Update briefing sent to all schools across South East Wales Consortium – December 2016.

Email Briefing: Regional Specialist Support Teams look for greater integration.

The Hearing Impairment and Gwent Visual Impairment Services along with the Communication Intervention Team are currently exploring the possibility of becoming one service hosted by just one local authority. The teams, who are co-located in Cwmbran and offer specialist advice and support across all five authorities in South East Wales are currently hosted by Torfaen and Caerphilly County Borough Council's. The Cabinet Committees from both councils recently gave permission for the teams to consult on Caerphilly staff, who largely work within the Visual Impairment Service to move across to join their colleagues as Torfaen employees. This would create one new service The Sensory and Communication Support Service (SenCom) and enable the team to provide a far more seamless and efficient service to families, schools and early years settings. A full report on the consultation and implications for the proposed move will be taken back to both councils for a final decision on the planned merger and we will update schools shortly after this.

4. SenCom hosted a consultation morning with third sector organisations including among others. Royal National Institute for the Blind, SENSE – Support for MSI Children & Adults, National Deaf Children's Society – 27/01/17

At this meeting, following a presentation of proposal the third sector organisations completed a joint SWOT analysis:

Strengths

- Time scale for informal consultation will allow for true staff engagement in the process.
- The concept of a Partnership Board that truly recognised all stakeholders would be a welcome addition to the Services communication and accountability profile. All organisations were keen to be part of this.
- A recognition of the logical efficiencies that could be made through merger.

Weaknesses

- There was concern that getting the right IT infrastructure and having the resources to achieve this could be problematic.

Opportunities

- A real opportunity to future proof and get the right service delivery model in place to support families.
- All organisations welcomed the approach been taken and were encouraged by the strategic direction of the service.
- There could be opportunities for the schools who host special resource provisions to also be represented on the partnership board.
- The chance to develop a one stop shop for families with disabled children was supported.

Threats

- Ensuring the service develops a comprehensive communication strategy to sign post changes was raised as an issue to consider.
- Ensure the merger wasn't seen as a chance to cut costs and reduce service capability.

5. Caerphilly SenCom Staff follow up meeting with HR and Union Representation. – 02/02/17
6. Individual consultations with Caerphilly SenCom staff with Head of Service - March 2017.

Typical Questions Arising from Discussions from informal consultation meeting 02/02/17 and meetings between Head of Service and Individual Members of SenCom Staff.

- Would flexi time arrangements be available to staff if they transferred on to a Torfaen Contract rather than TUPE? These staff currently have flexi time working as Caerphilly staff.

A: Yes Flexi-time would be available but on the Torfaen system which is similar to CCBC.

- Would staff who TUPE stay on Caerphilly pay scales or automatically transfer to Torfaen – for some this makes a significant difference. For example, I have a staff member on Caerphilly Grade 8 SCP35 with the prospect of two further incremental points. On the Torfaen scale this becomes Grade 8 SCP 35 with the prospect of five additional incremental points. Obviously this member of staff is keen to have a Torfaen contract.

A: Should staff take up the offer of a TCBC terms and condition contract following TUPE, they would transfer to the TCBC NJC pay scale at the equivalent scale point and should annual increments become due they would be awarded automatically over time.

- If a staff member is at the top of their grade say SCP19. Am I right in assuming they won't move a grade boundary, in this case in between Grade 4 and 5?

A: That is correct, following TUPE if the staff member has reached the top of their salary grade they will remain there as it is for all other staff.

Other questions were pertinent to individual members of staff.

25th July 2017

Roger Thurlbeck

Head of Sensory and Communication Support Services

Pennaeth Gwasanaethau Cymorth Cyfathrebu a Synhwyraidd



CABINET – 5TH OCTOBER 2016

SUBJECT: 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.

REPORT BY: CHIEF EDUCATION OFFICER

1. PURPOSE OF REPORT

- 1.1 The report sets out the proposal for the development of a combined Sensory and Communication Service (SenCom) made up of the Visual Impairment Service, the Hearing Impairment Service and the Communication Intervention Team, under a single employer and governance structure operated by Torfaen CBC. This will involve the transfer of some staff from Caerphilly CBC to Torfaen CBC necessitating appropriate consultation following permission from Cabinet to proceed. The purpose of the report is to seek agreement from Cabinet to proceed with a consultation to transfer Gwent Visual Impairment Service, currently hosted by Caerphilly CBC, to Torfaen CBC. Torfaen CBC currently manage the Hearing Impairment Service and the Communication Intervention Teams on behalf of the south east Wales region.
- 1.2 If permission is granted to proceed, a consultation with Sensory and Communication Service staff and partners will commence on 6th October 2016 with the proposal that all employees of Caerphilly CBC who work in the Sensory and Communication Service (SenCom) transfer their employment to Torfaen CBC as of 1st April 2017.

2. LINKS TO STRATEGY

- 2.1 Caerphilly CBC Corporate Plan 2015-16 – Improve outcomes for all learners, particularly those vulnerable to underachievement.
- 2.2 Torfaen CBC Corporate Plan 2016-2021- Raising educational attainment.

3. THE REPORT

- 3.1 The Sensory and Communication Support Service consist of three specialist support teams:
- Communication Intervention Team (ComIT)
 - Gwent Visual Impairment Service (GVIS)
 - Hearing Impairment Service (HIS)
- 3.2 ComIT was established in 2008, while the HIS and GVIS were established by Gwent County Council prior to local government reorganisation in 1986. All three services are co-funded by the five local authorities in the South East Wales Consortium area and provide a regional, highly specialist 0-19 training and intervention service to families, early years settings and schools. In the academic year 2015/16 the service supported around 1700 children and young people.

- 3.3 The current Head of Service took up his post in September 2015 with a remit to develop greater strategic and operational integrated processes between the teams. This has been a long held desire of the consortium and the five local authority Directors of Education have expressed a wish to see the teams amalgamate under the auspices of a single local authority. This proposal has already been discussed with the Executive Members for Education from both LAs.
- 3.4 The Chief Education Officer and the Head of Service believe the proposals will be a positive development as they will:
- Significantly support the development of a seamless, coordinated service that provides far more focused support to schools, families and settings through joined up advice and intervention.
 - Provide a one-stop setting for families where they know they can receive high quality support and guidance. This is particularly appropriate for families whose children may have a range of complex needs.
 - Enhance the sharing of expertise and a wide range of resources across the three services to aid the service in attaining its strategic objective of becoming a national leader in innovative practice.
 - Support further efficiencies by combining IT and administrative support services in order to provide greater value without additional costs to all partner local authorities.
- 3.5 Although the three teams have operated as independent service providers for many years and their contributions are well regarded by schools and families, now is the ideal opportunity to re-organise the workforce arrangements so that the service can implement its strategic aims and be able to respond effectively and flexibly to the anticipated requirements of the forthcoming Additional Learning Needs and Education Tribunal (Wales) Bill. If Cabinet agrees for the proposal to commence, a formal consultation will begin with staff and stakeholders on 6th October 2016. Officers will then report back to members on the outcome of the consultation together with a full Outline Business Case, for consideration by Cabinet early in the new year.

4. EQUALITIES IMPLICATIONS

- 4.1 Council's full Equalities Impact Assessment process will be applied to the formal Consultation Document and subsequent report to Cabinet.

5. FINANCIAL IMPLICATIONS

- 5.1 It is proposed that all staff currently employed by Caerphilly CBC stay on their current terms and conditions upon and after transfer. This model has been successfully used in the development of the Education Achievement Service and will be replicated in relation to this proposal. All costs associated with the services involved are already fully funded via a service level agreement with the five local authorities.
- 5.2 As staff are currently co-located on the same building in Torfaen there will be no relocation or removal costs.
- 5.3 During the consultation period finance officers from Caerphilly and Torfaen will work together to provide a detailed analysis of any potential transitional costs, which will include management costs, costs associated with maintaining the building and infrastructure improvement costs such as IT. This analysis will be included in the consultation report to Cabinet.

6. PERSONNEL IMPLICATIONS

- 6.1 Employees employed in the VI Service immediately before the transfer and whose employment would have continued with the Council beyond the date of transfer, automatically become employees of Torfaen Borough Council on the transfer date. 20 employees (14.4FTE) would have an entitlement to transfer.
- 6.2 TUPE imposes obligations upon the Council and Torfaen Council to provide certain information and to consult in respect of affected employees. A TUPE protocol will be developed as a focus for consultation and so that all parties have a clear framework within which any transfer will be facilitated.
- 6.3 An integral part of the transfer process will be structured and open communication between the Council, Employees, Trade Union representatives and Torfaen Council. HR Officers from both Councils will work closely with the respective managers, staff and the unions in this regard.
- 6.4 All collective agreements and trade union recognition agreements binding on the Council will transfer to Torfaen Council with the employee. The employee's period of continuous employment will not be broken by the transfer.
- 6.5 All employees transferring will have exactly the same terms and conditions that they enjoy with the Council immediately prior to transfer with the exception of any specific TUPE measures necessary to secure the transfer process. For example payroll dates differ from Council to Council. Changes necessary to pay employees on the same date (i.e. the end of the month) would be discussed and managed with employees affected

7. CONSULTATIONS

- 7.1 If agreement is given, a full six week consultation process will be undertaken with all members of SenCom and all partners. Feedback from the consultation exercises will be included with a final report to Cabinet.

8. RECOMMENDATIONS

- 8.1 Cabinet are asked to note the content of the Report.
- 8.2 That Cabinet agree to the proposal to commence consultation on the proposed transfer of all SenCom Caerphilly CBC based staff to Torfaen CBC in connection with the proposal to create a combined Sensory and Communication Service.
- 8.3 That Cabinet agree that officers report back to members the outcome of the consultation together with a full Outline Business Case in relation to the proposals to create the combined service for consideration by Cabinet early in the new year.

9. REASONS FOR THE RECOMMENDATIONS

- 9.1 Current hosting arrangements do not easily allow the development of a strong framework to support SenCom's evolving operational structure. One aligned support system and oversight structure will further develop its quality led delivery of services. It will also further enable the best outcomes for vulnerable learners and build capacity across all schools and settings within the consortium.

10. STATUTORY POWER

- 10.1 This is a Cabinet function.

Author: Jacquelyn Elias
E-Mail: eliasj@caerphilly.gov.uk
Consultees: Mr C Burns, Interim Chief Executive
Keri Cole, Chief Education Officer
Mr Bleddyn Hopkins, Assistant Director, 21st Century Schools
Cllr D Havard, Cabinet Member for Education
Gail Williams, Interim Head of Legal Services and Monitoring Officer
Jane Southcombe, Financial Services Manager
Lisa Haile, Personnel Manager



CABINET – 18TH OCTOBER 2017

SUBJECT: CABINET FORWARD WORK PROGRAMME

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

1. PURPOSE OF REPORT

1.1 To seek Cabinet endorsement of the Forward Work Programme for the period October 2017 to January 2018.

2. SUMMARY

2.1 The report outlines a proposed Forward Work Programme of future Cabinet reports.

2.2 The Forward Work Programme is updated on a monthly basis to reflect any amendments that are made to it since it was first agreed on 22nd January 2014.

3. LINKS TO STRATEGY

3.1 The Council is required to publish a Cabinet Forward Work Programme to assist in open and transparent decision-making.

3.2 This section would highlight how the recommended course of action contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:

- *A more equal Wales*

4. THE REPORT

4.1 The Cabinet Forward Work Programme sets out the key reports that Cabinet expects to receive in the coming months. It is a legal requirement that such programmes are published. The programme is an important way of tracking progress against targets set in the Council's Improvement Plan.

4.2 Appendix 1 to this report sets out details of the Cabinet Forward Work Programme for the period October 2017 to January 2018.

4.3 It should be noted that urgent and unanticipated reports could be added to the Cabinet Work Programme.

4.4 Members will be aware that, following the Scrutiny review and recommendations approved by Council on 6th October 2015, that it was agreed that the format of the Forward Work Programme will be reviewed so that it gives more detailed narratives. This has been undertaken and presented at Appendix 1.

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 it ensures that the Cabinet Forward Work Programme is regularly published and publically available, thus informing the public and stakeholders of upcoming reports and key issues and offering them the opportunity to attend and observe executive decisions, thus promoting openness and transparency.

6. EQUALITIES IMPLICATIONS

- 6.1 The principles of good governance are directly linked to the Council's Strategic Equality Objectives, stemming from duties under the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 and the Welsh Language (Wales) Measure 2011. Equalities Implications are a standard part of all committee reports in order to ensure that due consideration has been given to the views of individuals and groups from the communities of Caerphilly county borough, regardless of their backgrounds and circumstances.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications associated with this report.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications associated with this report.

9. CONSULTATIONS

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

10. RECOMMENDATIONS

- 10.1 It is recommended that Cabinet approve the Forward Work Programme as outlined in Appendix 1.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To satisfy legislative requirements and to ensure more transparent and effective decision-making.

12. STATUTORY POWER

- 12.1 Local Government Acts 1972 and 2000.

Author: Cath Forbes-Thompson, Interim Head of Democratic Services
Consultees: Corporate Management Team
Gail Williams, Interim Head of Legal Services and Monitoring Officer

Appendices:
Appendix 1 Cabinet Forward Work Programme

CABINET FORWARD WORK PROGRAMME: OCTOBER 2017 TO JANUARY 2018		
18TH OCTOBER 2017	Key Issues	Cabinet Member
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	Councillor P. Marsden
Data Protection Reform	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.	Councillor B. Jones
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.	Councillor N. George
Cabinet Forward Work Programme	To seek Cabinet endorsement of the Forward Work Programme for the period October 2017 to January 2018.	Councillor B. Jones
1ST NOVEMBER 2017	Key Issues	Cabinet Member
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.	Councillor B. Jones

Wales Audit Office 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'	Councillor B. Jones
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.	Councillor B. Jones
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.	Councillor N. George

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15TH NOVEMBER 2017	Key Issues	Cabinet Member
The Management of Trees	To seek the approval of Cabinet to formally adopt a Tree Strategy, following consideration at Scrutiny Committee.	Councillor E. Stenner
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.	Councillor B. Jones
WESP 3 Year Plan		Councillor P. Marsden
Mid-Year Budget Monitoring (Whole-Authority).	The report will provide details of projected Whole-Authority revenue expenditure for the 2017/18 financial year along with details of any significant issues arising. The report will also update Cabinet on progress in delivering the approved savings for 2017/18.	Councillor B. Jones

29TH NOVEMBER 2017	Key Issues	Cabinet Member

13TH DECEMBER 2017	Key Issues	Cabinet Member
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.	Councillor B. Jones
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.	Councillor L. Phipps
Proposed Closure of Pontllanfraith Leisure Centre - Outcome from the Consultation Exercise	To consider the outcome of the consultation for the proposed closure of Pontllanfraith Leisure Centre.	Councillor N. George
Update on Reserves	To present details of the usable reserves held by the Authority and to outline proposals for the use of reserves in some areas.	Councillor B. Jones
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.	Councillor E. Stenner

17TH JANUARY 2018	Key Issues	Cabinet Member

31ST JANUARY 2018	Key Issues	Cabinet Member