



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 Harray, 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

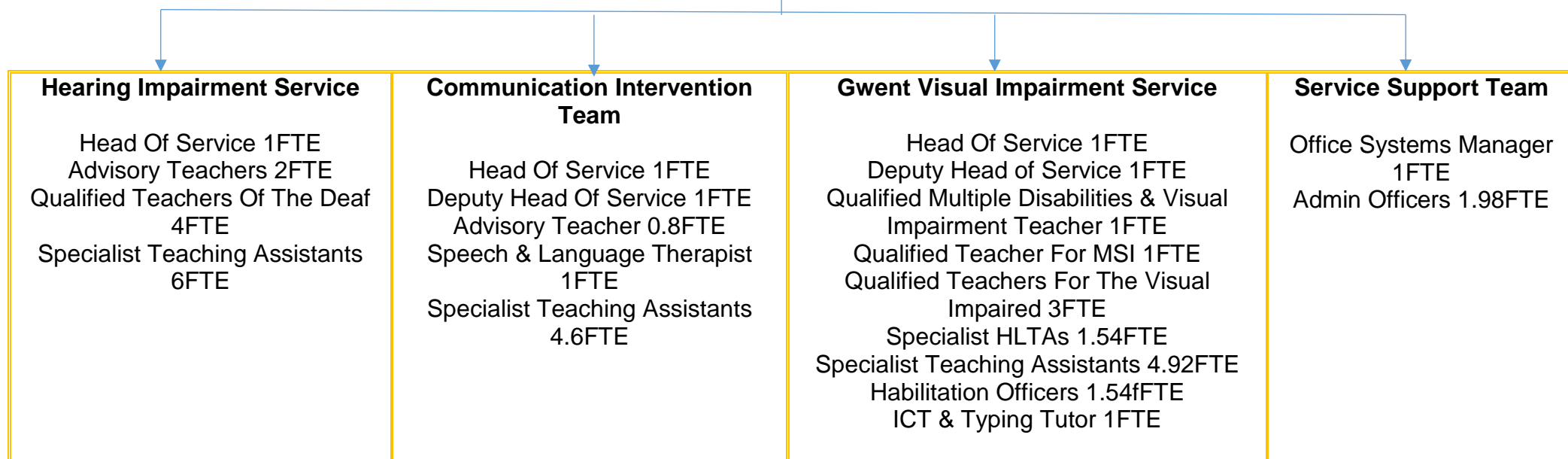
Appendix 3 – Equality Impact Assessment

Appendix 4 – Responses from consultation exercise

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

Sensory & Communication Support Service Structure As Of September 2017

Head of Sensory & Communication Support Service



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
Increments	<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>

<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?</p> <p>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.

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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