

CORPORATE RESOURCES OVERVIEW AND SCRUTINY COMMITTEE AGENDA

Monday, 27 February 2017 at **5.30 pm** in the Bridges Room - Civic Centre

From the Acting Chief Executive, Mike Barker

Item	Business
1	Apologies
2	Minutes (Pages 3 - 6) The Committee is asked to approve as a correct record the minutes of the meeting held on Monday 13 February 2017.
3	Case Study - Implementation / Roll out universal credit (Pages 7 - 10) Report of the Strategic Director, Corporate Resources
4	Information Governance Report (Pages 11 - 20) Report of the Strategic Director, Corporate Services and Governance

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GATESHEAD METROPOLITAN BOROUGH COUNCIL

CORPORATE RESOURCES OVERVIEW AND SCRUTINY COMMITTEE MEETING

Monday, 13 February 2017

PRESENT: Councillor John Eagle (Chair)
Councillor(s): P Foy, D Bradford, T Graham, M Henry and B Oliphant

APOLOGIES: Councillor(s): J Wallace, R Beadle, L Caffrey, M Charlton, M Ord, A Thompson and N Weatherley

CR29 MINUTES

RESOLVED: That the minutes of the meeting held on 28 November 2016 be approved as a correct record.

CR30 WORK PROGRAMME REVIEW

The Committee received a report seeking its views on the effectiveness of the two case studies undertaken in 2015/16, including the subsequent monitoring of actions arising from the Committee's findings.

The case studies were used to examine the implementation of Universal Credit and the Council's use of powers under the Regulation of Investigatory Powers Act 2000.

The report summarised the key issues and findings for each case study.

The Committee was also asked to note that a draft work programme for 2017/18 is being prepared and that this will be set by the Committee at its meeting in April.

- RESOLVED:**
- i) That the Committee was satisfied that potential review topics identified by Committee members for 2017/18 will be considered for inclusion in the work programme.
 - ii) The Committee was satisfied with the review monitoring process carried out so far.
 - iii) The Committee was satisfied with the effectiveness of the case studies undertaken so far.

CR31 GATESHEAD COMMUNITIES TOGETHER STRATEGY: SHAPING A REVIEW OF THE STRATEGY

The Committee received a report outlining a set of principles to inform a review of

the Gateshead Communities Together Strategy (the strategy).

The strategy was agreed by the Cabinet in May 2012 and sets out how partners work together to address: community engagement and participation; community capacity building; information and communication; involvement of children and young people, and; positive community relationships.

The report indicated that a review of the strategy, with a view to establishing principles to support the development of active citizenship, is timely.

There were concerns raised about the changing role of the Council within communities, as a direct consequence of continued reductions in resource. It was commented that groups may take on the delivery of some services or the holding of some assets but their objectives and subsequent approaches may not align with those of the Council.

The point was made that early and detailed assessments need to be undertaken prior to groups taking on the responsibility of Council assets, to ensure asset transfers are sustainable in the long-term.

The Committee was supportive of the strategy but stressed that it must recognise and make clear the pressures which are acting on both the Council and organisations within the voluntary and community sector. It was commented that the strategy needs to be realistic and demonstrate that more support and resource is required within communities.

RESOLVED: i) That the Committee endorsed the principles as outlined in the report and the approach being taken to implement a review of the strategy.

CR32 PERFORMANCE MONITORING: AGREEMENT WITH NEWCASTLE CVS

The Committee received a report on the performance of Newcastle Council for Voluntary Service (NCVS) in respect of the agreement it entered into with the Council in June 2016. The agreement was for the provision of support, development, networking and representation to the voluntary and community sector in Gateshead.

It was reported that the Council is now looking at options for the provision of support and representation for the voluntary and community sector (VCS) in Gateshead for 2017/18 and beyond. Discussions will take place with Newcastle City Council and Newcastle Gateshead CCG with a view to a jointly commissioned approach.

The Committee also received a presentation from Sally Young, Chief Executive NCVS, which detailed the findings of a study of Gateshead's voluntary and community sector.

It was queried how NCVS communicates with the Council. It was noted that to date the NCVS has worked with the Council strategically and has been represented on various boards including Health and Wellbeing Board and the Children's Trust

Board. NCVS also participated in the recent Corporate Peer Challenge undertaken by the Local Government Association.

It was requested that details be provided of the VCS groups and services which receive funding from the Newcastle Gateshead CCG.

The work of NCVS was welcomed along with the findings of its study of the Gateshead VCS.

Details were sought on the balance and nature of the support being provided by NCVS to the large VCS organisations and smaller groups. It was reported that 95% of the workload concerns smaller organisations and involves longer-term support with advice on funding, policies and organisational structures.

The cost to the Council of the current agreement was queried. It was reported that the cost is £160k p.a. and is equal to the cost of GVOG, the previous provider of support and representation to Gateshead's VCS.

- RESOLVED: i) That the Committee was satisfied with the performance and activities delivered by Newcastle Council for Voluntary Service since the commencement of the Agreement with the Council.

CR33 CORPORATE COMPLAINTS PROCEDURE - ANNUAL REPORT 2015-16

The Committee considered a report that provided an analysis of complaints and compliments recorded by the Council and the Gateshead Housing Company in the year ended 31 March 2016.

The value of feedback in the improvement and development of services was acknowledged.

The number of complaints (387), compliments (723) and independent reviews undertaken during the year 1 April 2015 – 31 March 2016 were reported.

The computerised recording system made it easier to track and respond to complaints. However, the system now requires an upgrade that reflects the new structure of the Council and provides improved statistical interrogation and analysis.

It was queried whether there are means of establishing if complaints have been received regarding the need to pay for replacement household waste bins, when lost or stolen and if so, how many. It was reported that a high level of feedback is received in relation to this in the Council's Have Your Say inbox but that emails of this nature would not be recorded as a step 2 complaint.

It was clarified that issues and trends such as feedback regarding charges would be responded to, recorded and monitored by Services but would not be recorded as step 2 complaints.

The Committee was pleased to receive details of the compliments that have been received and agreed that they demonstrate the significant value of the Council's services to residents.

- RESOLVED: i) That the Annual report be endorsed.
 ii) That the Committee was satisfied that the Corporate Complaints and Compliments procedure is operating satisfactorily.

Chair.....

TITLE OF REPORT: Case Study – Welfare Reform Update and The Implementation of Universal Credit in Gateshead

REPORT OF: Darren Collins, Strategic Director Corporate Resources

SUMMARY

This report updates Corporate Resources OSC on the implementation of Universal Credit within Gateshead and the issues arising to date.

Background

1. The Welfare Reform Act 2012 introduced a number of changes:
 - Universal credit to replace 6 main benefits
 - Housing Benefit reductions for under-occupation
 - Cap on overall benefit of £26,000 (£18,200 for single persons)
 - Council Tax Benefit replaced by Local Council Tax Support Schemes
 - Disability Living Allowance replaced by Personal Independence Payments
 - Responsibility for Discretionary Social Fund transferred to local authorities
2. Further reforms were outlined in the following:
 - Chancellors Autumn Statement 2015
 - Housing Benefit for social sector tenants to be capped at Local Housing Allowance rates
 - Introduction of shared room rate for single persons under 35 (£60 per week in Gateshead)
 - Housing Benefit to be limited to two children for new claims and additional children born after April 2017 (to mirror changes to Tax Credits)
 - Welfare Reform and Work Act 2016
 - Overall benefit cap reduced to £20,000 (£13,400 for single persons)
3. Universal credit will be made via an online application, and will be a single household payment paid monthly in arrears.

Implementation to date

4. Universal Credit was implemented in Gateshead, Blaydon and Felling Job Centre areas on 15 June 2015 for a limited client group:
 - Single, non-householder, no children, new Job Seeker Allowance claimants

5. The initial implementation covered about two thirds of the properties in Gateshead. Birtley, Chopwell and Rowlands Gill were included from September 2015 and some of Leam Lane and Wrekenton from November 2015
6. To support the implementation of Universal Credit, the Council agreed a Delivery Partnership Agreement with DWP. As part of this agreement the Council provides the following support to clients:
 - On line supported digital access
 - Personal Budgeting support and referral for direct payments
 - Support for UC service centres for housing costs
 - Local Council Tax Support manual processes.
7. To date there have been 361 Universal Credit claimants within Gateshead, who were previously in receipt of Housing Benefit. A further 384 Universal Credit claimants have been assessed for Local Council Tax Support.
8. As a result of the initial implementation of Universal Credit, the Council and The Gateshead Housing Company have taken the following actions:
 - Provided advice and support to claimants
 - Provided assistance to move to smaller accommodation
 - Redesignation of flats at Teams
 - Employment Support
 - Provided advice on reducing household expenditure
 - Discretionary Housing Payments (DHP) top-up from Housing Revenue Account for council tenancies

Other Considerations

Under Occupation

9. There were 2838 council tenants affected by under occupation in April 2013 and this has reduced to 2225 in February 2017.
10. There are now 2719 total cases in Gateshead.

Universal Credit "Full Service"

11. Universal Credit "Full Service" rolls out to anyone claiming any of the benefits to be replaced, and will include all types of claimants, including couples and families with 2 children or less. It was first planned to be implemented in Gateshead in 2013 however implementation will now commence in October 2017 for all new claims at Gateshead Job Centre. This will be followed by Blaydon Job Centre in November 2017.
12. Migration of existing Housing Benefits claimants to Universal Credit is scheduled to begin in 2018/19 and be completed by 2021/22.

Local Housing Allowance (LHA)

13. The Chancellors Autumn Statement 2015 proposed that Housing Benefit would be capped at LHA rates for social sector tenancies created from April 2016 effective from April 2018.
14. A Ministerial Statement in November 2016 has delayed implementation of this until April 2019 and the cap will now apply to all tenants in receipt of Universal Credit, not just new tenancies.

Benefit Cap

15. In 2013 there were 32 residents affected in Gateshead (15 tenants) and now there are 190 residents affected (93 tenants)

Recommendation

16. The views of the Corporate Resources OSC are sought on:
 - The issues arising from the implementation of Universal Credit in Gateshead.
 - The actions taken by the Council and The Gateshead Housing Company to date in supporting this.

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TITLE OF REPORT: Annual Report –Information Governance and the Council’s use of powers under the Regulation of Investigatory Powers Act 2000

REPORT OF: Mike Barker, Strategic Director, Corporate Services and Governance

Summary

This report provides the Committee with an overview of arrangements for Information Governance across the Council. It also provides details of the Council’s use of covert surveillance and offers assurance that when authorising covert surveillance the Council is compliant with the requirements of the Regulation of Investigatory Powers Act 2000 (RIPA).

Information Governance

Introduction

1. This is the second annual report to the Committee regarding the Council’s Information Governance framework. It aims to provide the Committee with the legislative context within which the Council manages a range of sensitive information and personal data, compliance with relevant guidance and good practice, and the Council’s performance in this area over the last twelve months. It is therefore intended to form an important part of the Council’s Overview & Scrutiny Framework, alongside other annual performance reporting.

Background

2. Public trust in the way public services handle and share data is increasingly important, particularly in the context of greater digital storage and transfer of information. Service users expect easier access to services and a ‘one stop’ delivery experience. They want to be in control of their interactions with council services and for those services to be delivered at lower cost, more quickly and based on individual needs. This lies at the very core of what all local public services strive to do, and in Gateshead is captured within our policy objectives as set out in the Council Plan 2015-20 and our Digital Strategy.
3. Success in this area depends on many factors, but effective and secure exchange and management of information is vital for both good service delivery, and for compliance with an increasingly onerous and prescriptive legislative framework at both a national and European level. The public and regulatory bodies must have confidence in the way that any data we hold is treated, taking privacy and confidentiality into account, and that it is kept safe from misuse. Without that

assurance service users are unlikely to engage, services will be less efficient and much poorer as a result, and we face stiffer penalties if found to be failing to meet our legal responsibilities..

4. In 2010 the Local Government Association produced data handling guidelines for local authorities. Those guidelines, which were revised in 2014, set out the steps that every local authority should take to monitor and control the management of information and to mitigate the risk should personal information be lost or data protection systems fail. The Council's approach to information governance is based on these guidelines.
5. The Council recognises that there must be a systematic and planned approach to the management of its information. This will ensure that from the time a record is created, until its disposal, standards and handling will be consistent across the organisation and that the record can be tracked throughout its lifecycle to ensure it serves the needs of the Council and its stakeholders, and complies with relevant legislation.
6. The way the Council manages its information is also crucial to maintain effective and efficient business operations. Information management is about providing an integrated records and information system to ensure quick, efficient and consistent access to records across the organisation. Public sector organisations have more demands than ever before to be open and transparent. The introduction of the Freedom of Information Act 2000, on 1 January 2005 and the government's transparency agenda means anyone can request information from the Council. This can be achieved quickly and efficiently if effective information management systems are in place.
7. The Council has an Information Charter and an Information Strategy. The strategy provides a framework which enables the Council to manage its information efficiently, recognising its value as a corporate asset for the delivery of effective, appropriate and transparent services.
8. With the approval of the new General Data Protection Regulation (GDPR) ,which has been ratified by the European Parliament and comes into effect in the UK on 25 May 2018 , there is a move away from seeing the law as a box ticking exercise, and instead to work on a framework that can be used to build a culture of privacy that pervades an entire organisation.
9. The GDPR requires a significant amount of work to be undertaken right across the Council to ensure we can be compliant with the requirements when they come into force :-
 - a. All information assets need to be captured
 - b. We need to tell people the identity and contact details of the Data Controller
 - c. Contact details of the Data Protection Officer which is a new statutory role which public sector organisations will be required to have.
 - d. Be able to state the legal basis for data processing
 - e. Tell recipients of personal data if it is going to be transferred outside the EEA

- f. Advise of the data retention period
- g. Advise of any statutory or contractual obligations to process the data
- h. Advise of the consequences of failing to provide the data
- i. Advise of the right to withdraw consent
- j. Advise of the right to lodge a complaint
- k. Reduces the timescale for responding to a subject access request from 40 calendar days to 1 month
- l. Changes in consent – consent has to be explicit and unambiguous, cannot rely on implied consent
- m. Need consent from children over 16 or their parents depending upon the age of the child
- n. Embed a culture of privacy by design and data minimisation
- o. Monitor, review and assess data processing procedures, building in triggers for reviews as appropriate
- p. Review all data sharing agreements
- q. Create a privacy policy and data breach management policy

10. A Corporate working party has been established to ensure that the Council can be ready to meet its obligations under the GDPR.

11. **Internal Audit** -To support management in their responsibility to install and maintain effective internal control systems, Internal Audit's Strategic Plan includes an audit of Information Governance. The audit assesses the adequacy of current controls against the following objectives:

- a. The Information Governance Framework in place;
- b. The Information Governance Structure in place;
- c. That an up to date Register of Information is in place
- d. The Incident Management Procedures in place for identifying, reporting and preventing data breaches; and
- e. That performance reporting is carried out on a regular basis

12. Records management -An essential part of the information management role is protecting records from elements such as floods, fire, theft and loss. The Council follows the National Archives Records Management Recovery plans standard for the management of government records. This standard is a best practice benchmark for all organisations creating or holding public records.

Information Storage

13. Storage of the Council's paper based records is reviewed annually in line with retention periods and records are destroyed or transferred to archive if required.

Risk Assessment

14. Information governance is included in the Council's Strategic Risk Register.

Training

15. The Deputy Senior Information Risk Owner (Siro), attended training at Durham Council in October 2016. A briefing was carried out in October for the leadership team and all new information asset assistants have been appointed to review information asset registers. Training is scheduled to begin in March and will continue throughout 2017 not only for information asset assistants but for all staff to raise awareness of their data handling responsibilities.

Data breach reporting

Data breaches can be reported to the Information Rights Officer or via the incident reporting mail inbox.

The Siro is informed in the event of a data breach and the Information Rights Officer provides advice to the service concerned about what remedial action they need to take.

The Siro makes a determination whether the incident has to be reported to the Information Commissioner in line with the Information Commissioner's guidance on data breach reporting.

The incident reporting inbox is an inbox which internal audit access and can investigate in relation to serious breaches.

Month	Data breach	outcome
Jan 2016	Report sent out containing information about another family	Report recovered
March 2016	Report sent to wrong address as wrong address recorded on carefirst	Report recovered – staff underwent training
April 2016	Bag stolen containing diary with confidential information	Reported to the police - bag not recovered
April 2016	Email sent containing sen statement to the wrong family	Report retrieved and correct report given. Complainant complained to the Information Commissioner who found that there had been a data breach but took no enforcement action- refresher training provided for all staff
May 2016	Email sent to the wrong recipient	Email retrieved
July 2016	Invite to a CP conference sent to the wrong recipient	Letter retrieved and destroyed
Oct 2016	Confidential information sent to the wrong address	Information retrieved and sent to the correct address- staff member given refresher training
Nov 2016	Confidential information sent to the wrong address	Information retrieved training action plan in place for staff member

Dec 2016	Protected address given to father	Internal investigation taking place not yet concluded – matter to be reported to the Information Commissioner
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Should a complaint be made to the Information Commissioner or a breach is reported to the Information Commissioner by the Council, the Information Rights Officer liaises with the Information Commissioner to reach a satisfactory outcome.

Regulation of Investigatory Powers Act 2000 (RIPA)

Background

16. This is the second report in relation to the Council's use of RIPA. It was recommended in the new codes of conduct produced by the Office of the Surveillance Commissioner at the end of last year, that Councils should report their use of RIPA to elected members at least annually.
17. RIPA provides a statutory mechanism (i.e. 'in accordance with the law') for authorising directed and covert surveillance and the use of Covert Human intelligence Sources (CHIS). It also permits public authorities to compel telecommunications and postal companies to obtain and release communications data in certain circumstances. It seeks to ensure that any interference with an individual's rights under Article 8 of the European Convention is necessary and proportionate. In doing so, RIPA seeks to ensure that both the public interest and the human rights of individuals are suitably balanced.
18. Covert surveillance involves, monitoring, observing, listening to persons, watching or following their movements, and is carried out in such a way that the subject of the surveillance is unaware it is taking place.
19. There are two types of covert surveillance that the Council can use:
 - directed surveillance – this involves observing, following or watching the subject of the surveillance
 - CHIS – this involves using volunteer adults or children to attempt to make test purchases
20. Typically this council uses RIPA in relation to benefit or council tax fraud when information is received that a claimant has someone living with them or is working and claiming benefits. Surveillance will be used to watch the property to see if there is any evidence of another person living there. If evidence is found the subject of the surveillance will be invited in for an interview under caution.
21. The Council uses CHIS (normally members of staff or child volunteers), when it receives information that, for example, a householder is selling illegal tobacco or a shop is selling age restricted products such as alcohol, cigarettes or fireworks to underage children. The CHIS will be used to attempt to make a test purchase. If the test purchase succeeds then the subject of the surveillance is invited in for an interview under caution.

22. The Protection of Freedoms Act 2012 amended RIPA to restrict when councils can use RIPA. An authorisation for directed surveillance or CHIS can only be made by councils now if certain conditions are met:

- that the authorisation is for the purpose of preventing or detecting crime
- the criminal offence is or would be an offence which is punishable, whether on summary conviction or indictment, by a maximum term of at least 6 months imprisonment or
- is an offence under:
 - Section 146 of the Licensing Act 2003 (sale of alcohol to children)
 - Section 147 of the Licensing Act 2003 (allowing the sale of alcohol to children)
 - Section 147A of the Licensing Act 2003 (persistently selling alcohol to children)
 - Section 7 of the Children and Young Persons Act 1933 (sale of tobacco etc to persons under 18)

23. Covert surveillance should only be used in exceptional circumstances when necessary information cannot be uncovered by overt means – open CCTV or officers patrolling with visible body worn video cameras. The decision to use covert surveillance must take into account the issue of proportionality - the surveillance must not be excessive in relation to the seriousness of the problem it seeks to address.

The Council must ensure that:

- all covert surveillance exercises conducted by the Council comply with the requirements of RIPA;
- all authorisations contain the detail of the surveillance which is to be permitted and why the authorising officer believes the surveillance to be necessary. To demonstrate the necessity of the covert surveillance all authorisations must mention all other possible means of discovering the desired information and the reason for their rejection.

24. Councils are not permitted to undertake intrusive surveillance i.e. tapping phone lines or any surveillance inside private property or placing tracking devices on a subject's vehicle or person.

25. Only authorising officers can be permitted to authorise a covert surveillance exercise.

Arrangements

26. The Council's compliance with RIPA is independently audited periodically by two Commissioners; the Office of the Surveillance Commissioner and the Office of the Communications Surveillance Commissioner. The Home Office has produced a code of conduct in relation to covert surveillance. The Commissioner audits how the Council has used its powers under the Act and how well it has complied with the code of practice.

27. In addition, the Protection of Freedoms Act 2012 amended RIPA, meaning that before a surveillance exercise can take place, an application which has been authorised by an authorising officer, has to be approved by a magistrate before the proposed surveillance activity takes place.

28. The Investigatory Powers Tribunal can hear complaints from any person aggrieved at the conduct carried out in challengeable circumstances within one year. The tribunal can award compensation or can quash or cancel any authorisation and can order the destruction of records of any information obtained by exercising any power.

29. The Act designates various roles to officers, these roles are held by specific Council officers as follows:

- Senior Responsible Officer (SRO) – this role is held by the Service Director, Human Resources and Litigation. SRO is responsible for:
 - ensuring that all authorising officers are of an appropriate level of seniority and have had training
 - the integrity of the process in place within the public authority to authorise directed and intrusive surveillance and interference with property or wireless telegraphy;
 - compliance with Part II of the 2000 Act, Part III of the 1997 Act and with the codes of practice
 - engagement with the Commissioners and inspectors when they conduct their inspections, and where necessary, overseeing the implementation of any post inspection action plans recommended or approved by a Commissioner

- RIPA Co-ordinating officer - this role is held by the Litigation Manager and Information Rights Officer. The role is responsible for:
 - maintaining the central record of authorisations
 - collating the original applications/authorisations, review, renewals, cancellations
 - oversight of the submitted RIPA documentation
 - organising the RIPA training programme
 - raising RIPA awareness within the Council

30. Authorising Officer - these roles are assigned to service managers or above who have been trained to authorise requests for directed surveillance and the use of CHIS.

RIPA does not:

- make lawful conduct which is otherwise unlawful
- prejudice or disapply any existing powers available to the Council to obtain information by any means not involving conduct that may be authorised under this Act. For example, it does not affect the Council's current powers to obtain information via the DVLA or to get information from the Land Registry as to the ownership of a property.

Statistics

31. Gateshead Council uses its power under RIPA when it is appropriate to do so.

- In 2016 the powers were used twice – both for illegal tobacco sales
- In 2015 the powers were used five times - on four occasions for illegal tobacco sales and once for counterfeit goods.
- In 2014 the powers were used four times - on two occasions for counterfeit goods, once for benefit fraud and once for illegal tobacco.
- In 2013 the powers were used 5 times – on four occasions for illegal tobacco and once for theft.

Inspection

32. The Surveillance Commissioner inspected the Council in June 2015. He made a few observations about the number of authorising officers and recommended that training of authorising and requesting officers was undertaken more frequently. He also suggested that reports be made to elected members about the use of RIPA and recommended some minor amendments to the Council's policy. The issues raised have all been addressed. All officers received refresher training in November 2015.

33. In July 2016 the Council was re-inspected by the Surveillance Commissioner and found to be fully compliant with the requirements of RIPA

Recommendation

34. The Corporate Resources Overview and Scrutiny Committee is asked to endorse the information in the annual report, and satisfy themselves that the Information Governance is operating satisfactorily and that the Council uses the powers under the Regulation of Investigatory Powers Act appropriately.

Contact: Deborah Hill

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