

GATESHEAD METROPOLITAN BOROUGH COUNCIL

CORPORATE RESOURCES OVERVIEW AND SCRUTINY COMMITTEE MEETING

Monday, 26 February 2018

PRESENT: Councillor John Eagle (Chair)

Councillor(s): S Ronchetti, J Wallace, P Foy, R Beadle, D Bradford, L Caffrey, M Charlton, T Graham, S Green, M Hall, M Henry, J Kielty, B Oliphant, M Ord, N Weatherley and K Wood

APOLOGIES: Councillor(s): J Green

CR27 MINUTES

RESOLVED - That the minutes of the meeting held on 22 January 2018 be approved as a correct record and signed by the Chair.

CR28 INFORMATION GOVERNANCE AND THE COUNCIL'S USE OF POWERS UNDER THE REGULATION OF INVESTIGATORY POWERS ACT 2000

The Committee received its third annual report 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.

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. Success in this area depends on many factors, but effective and secure exchange and management of information is vital for good service delivery. 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.

With the approval of the new General Data Protection Regulation (GDPR), which had 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 work on a framework that can be used to build a culture of privacy that pervades an entire organisation.

The Council formed an information rights working group in March 2017 to start preparing for GDPR implementation. A lot of work had been done so far:

- All information assets are being captured in information asset registers
- Privacy notices have been prepared for children's services, schools, elections, councillors and staff. Templates are being prepared to roll out to

the rest of the Council

- Web pages are being updated to include contact details of the Data Protection Officer which is a new statutory role which public sector organisations will be required to have
- Information asset registers also contain the legal basis for processing and the retention periods
- Consent forms are being revised to be GDPR compliant
- Data collection forms and systems are being re-engineered to comply with data minimisation and privacy by design
- All data controller/processor agreements are being reviewed
- Forms and procedures have been devised for privacy impact assessments
- All schools have received training
- Training for governors is scheduled in March
- A members seminar is scheduled for March
- Staff in Procurement, ICT, Web Design and Legal have been training
- Roll out of training to all remaining employees starts in February
- Data sharing and handling agreements are being drafted for all of our trading companies, including GHC

The report included information on data breaches. These are reported by an inbox which internal audit access and can investigate in relation to serious breaches. In 2017 there have been 7 reported breaches. In these cases human error has been identified as the reason for the breach. Further training has been given to the staff involved. There have been no complaints made to the Information Commissioner.

The Committee were advised that this is the second report in relation to the Council's use of RIPA (Regulation of Investigatory Powers Act 2000). 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.

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

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 or another person living there.

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.

Gateshead Council uses its power under RIPA which it is appropriate to do so

- In 2017 the powers were used four times – three for counterfeit goods being sold via Facebook and one for the sale of animals on Facebook without a licence. An application was made to use RIPA in relation to the sale of cigarettes to underage children but the district judge refused to authorise the surveillance.
- 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 sales and once for theft.

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

RESOLVED - (i) That the information contained within the report be endorsed
(ii) That Information Governance is operating satisfactorily
(iii) That the Council uses its powers under the Regulation of Investigatory Powers Act appropriately

CR29 CASE STUDY - THE IMPLEMENTATION OF UNIVERSAL CREDIT IN GATESHEAD

The Committee received a report and presentation on The Implementation of Universal Credit in Gateshead. The Committee were shown a very powerful video produced by the Communications Team showing the impact of poverty on one particular resident in Gateshead.

The Committee heard that previously details of information which had previously been reported to Committee in February 2017. In particular the Housing Benefit penalty for under-occupation which affected 2225 council tenants. The Limited “Live Service” Universal Credit in place, with “Full Service due in October 2017, committee shared concerns about the impact of this, including on Free School Meals. It was also reported to Committee in February 2017 about the Local Housing Allowance Cap on housing costs which was to be extended to the social rented sector, however, implementation has been delayed until 2019 and the benefit cap was reduced to £20,000 (£13,400 for a single person).

The Committee were advised that within the last 12 months, there has been a reduction in council tenants affected by under-occupation, this is down to 1,883. Full Service Universal Credit was implemented at Gateshead Job Centre in October 2017 and Blaydon Job Centre in November 2017. It was also announced that the plan for Local Housing Allowance in the social rented sector was scrapped and 1.6m Personal Independence Payment claimants are to be reassessed. Call Charges have been removed from the Universal Credit helpline as of 29 November 2017. The built-in delay before the first payment has been reduced from 42 days to 35 days as

of February 2018. Existing Housing Benefit claimants will be able to continue to receive Housing Benefit for an extra two weeks while waiting for UC payments to start as of April 2018. Advances of Universal Credit up to the full claim value instead of half and can be repaid over 12 months instead of six, this was implemented in January 2018.

The Committee were informed that the rollout of Universal Credit is now much more rapid, the original scheme came to Gateshead in June 2015, in February 2017 there were 299 Council tenants on Universal Credit, with 381 tenants at the point Full Service was launched in October 2017. It is understood that there were 1162 tenants on Universal Credit at the start of February, 272 of which were waiting for their first payment. Full Service now includes new claims and changes of circumstances for a wider range of households, including those with up to 2 children.

The Committee were informed that there are still claimants on live service Universal Credit, they will be required to reapply online for Full Service from 12 March 2018, there will be a need to communicate and support to ensure there is no gap in benefit.

It has been found that the main problems arise when claimants don't have enough money or they are not able to cope with the receipt of a large amount of money.

Teams within the Council have provided Personal Budget Support to 309 claimants in Quarter 3, they have provided assisted digital support to 106 claimants, including email address set up. In 75 instances incorrect claim calculations have been identified and in some instances this has been in the region of £400 per month.

Committee members had expressed concern previously with regards to free school meals. Universal Credit brings qualification for free school meals but only from the date of award. This could have led to up to 6 weeks with no meals but work has been undertaken with schools to award meals during the initial assessment and offering support to families during this time.

The Gateshead Housing Company have an Advice and Support Team and a tenant may approach this team directly, or The Gateshead Housing Company are notified when a tenant makes a claim for Universal Credit via the landlord portal, following this, support is offered in terms of setting up email addresses, making online applications, correctly identifying housing costs, identifying the need for Alternative Payment Arrangements (APAs) and identifying the need for further support.

The Committee were informed that there have been 28 known instances of payment delays since October. The teams within the Council and the Gateshead Housing Company have made referrals for Personal Budgeting Support, Tenancy Support, Drug and Alcohol support, fuel poverty and other potential grants and entitlements.

In 2012 the Gateshead Foodbank was launched, in 2016, 1698 food parcels were issued, and in 2017, 4864 food parcels were issued. Reasons which were given for using the foodbank included, benefit delays, low income and debt and benefit changes. The Gateshead Housing Company have additional posts for advice and support and currently have a presence in the Gateshead Advice Centre and the Job

Centre. The Council have anti-poverty funding and a crisis fund. The voluntary sector have been given some training and support.

The Committee were advised that whilst the Council or Housing Company officers initial involvement may be around rent or benefit issues often officers go much further providing support that is focused on improving health and wellbeing and staying in touch.

The Committee were provided with examples of the following people who had been helped so far:

Case Study 1 - 18 Year Old Single Male

- This was a vulnerable adult with autism and short term memory loss, who also finds communicating difficult
- The person had no contact with parents and a little contact with grandparents
- He had been sofa surfing following a split with his partner and was rehoused to a 1 bed flat.
- He had to make a new claim for UC and his ESA Claim was cancelled
- He had no money for 5 weeks and no furniture
- He was provided with a furniture pack and an application was made to Greggs Foundation for white goods
- He was assisted with a claim for an additional sum of UC for having limited capacity for work or work activity
- He was assisted in making a claim for Personal Independence Payments
- The Autism Society were contacted and are providing support
- He gave consent to contact his grandparents and his family are now involved again and helping to support him
- He is settled in and decorating

Case Study 2 – 41 Year Old Single Male

- This person had various substance addictions and high risk for self harming
- He lives in a flat in the Town Centre
- He has support in place from family and is very open about additions and risk of managing money
- He applied for Universal Credit and the Housing Company applied immediately for an Alternative Payment Arrangement (Housing Costs to come direct to us).
- Due to a DWP error the housing costs of £600+ were released to the tenant
- The tenant used the money to purchase illegal drugs
- Referrals were made for additional support to:
 - Talking Therapies
 - Evolve
 - 2-way Tenancy Solutions
- Alternative Payment Arrangement was reinstated
- Tenant is working well with Advice and Support Officers.

The Committee made the following comments in relation to actions which they felt should be taken in relation to this.

- Costs of providing additional resources should be identified as it was suggested that this scheme is meant to be saving money but if additional resources are being provided to support people through the process it could be that it's costing more
- It was queried about how the errors are identified within DWP and possibly investigating whether we can hold the DWP to account. It was noted that locally officers have a good relationship with the DWP and have monthly meetings in which errors are highlighted.
- Concern was expressed about not all parts of the borough getting the same level of support, particularly in the West of the borough. It was suggested that if anything can be done in terms of outreach for the West it would be greatly appreciated.
- It was queried if the errors which had been made could be further investigated to see if there were any trends emerging or if it was a training need for one particular person or if there were errors within the system which needed to be looked at.
- It was suggested that as an Authority we should be writing to the DWP to highlight the concerns with regards to the failures in the system.
- It was suggested that we also need to highlight the additional costs being place on the authority in terms of additional resources
- It was suggested that communications in relation to entitlement to Free School Meals. It was noted that officers are working closely with schools to make sure that there is no break in school meal entitlement when they are applying for Universal Credit

RESOLVED - (i) That the thanks of the Committee be expressed to all of the staff working in this area.
(ii) That the comments of the Committee be noted
(iii) That the actions taken so far by the Council and the Gateshead Housing Company be noted.

CR30 ANNUAL WORK PROGRAMME

The Committee were asked to consider the Annual Work Programme report and to suggest any additional items they would like to submit to the Work Programme.

RESOLVED - That the work programme be noted.

Chair.....