

Data Protection Full Assessment Impact Assessment Id: #285

1.0 Screening Information

Project Name

Day Opportunities Review

Name of Project Sponsor

Hannah Perrott

Name of Project Manager

Katie Stallard

Name of Project Lead

Korrina Campbell

Please give a brief description of the project

The purpose of the Day Opportunities Review is to consider how the Council may continue to meet assessed eligible need in the most efficient and cost-effective way that promotes independence, social inclusion and positive outcomes for individuals and carer's. The Council's preferred approach, which was agreed and approved at the October Cabinet meeting, is to move to the position where internal day opportunities will only be provided where there isn't the capacity or capability within the external market to meet eligible need.

Data Protection screening result

Will require a full impact assessment

Equality and Public Health screening result

Will require a full impact assessment

Environmental Sustainability screening result

Will require a full impact assessment

1.1 Background and Purpose

Background and Purpose of Project?

To support your answer to this question, you can upload a copy of the project's Business Case or similar document.

To support your answer to this question, you can upload a copy of the project's Business Case or similar document. As part of its duties under the Care Act 2014, the Council must meet the care and support needs of adults and the support needs of carers who are assessed as eligible under the Act's eligibility criteria. Eligible needs may be met by the provision of day opportunities to meet the adult's outcomes as identified in their needs assessment and will be recorded in their care and support plan. There is a mixed market of day opportunities for people with learning disabilities within Worcestershire. Currently 206 people attend internally provided day opportunities while around 300 people attend services provided by the external market. This equates to a split of 60% external / 40% internal although these numbers do include some people who attend a mixture of both internal and external services. An increasing number of people also access external day opportunities by arranging their own care using a Council-funded direct payment. The Council has directly provided internal day opportunity provision for over 25 years through Resource Centres and Connect Services. Resource Centres operate Monday to Friday and provide a variety of activities for people with complex learning disabilities. Many of these activities are building based with some community-based activities planned according to individual needs and preferences. Support for individuals includes personal care, physiotherapy, occupational therapy, speech and language support, behaviour support, psychology support and support to access the community. Connect Centre Services operate Monday to Friday and they provide mainly community-based day opportunities to adults with less complex learning disabilities. This service provides support such as: access to employment/work experience, education and volunteering, personal care, meeting friends, computer/IT literacy support. Following the changes to the Council's Day Opportunities provision, as a result of Covid-19, Cabinet agreed at their meeting on 22 October 2020 the need to review the Council's long-term position in providing access to day service support both internally and externally in order to continue to meet assessed need. Cabinet received an update on the first stage of the review at their meeting on 4 February 2021. This stage focused on the current offer for people using Council provided Resource Centres. The findings demonstrated that there is clearly a need for the Council to continue to provide a Resource Centre / building based offer that meets the needs of individuals with more complex needs. However, it showed evidence that improvements and changes need to be made to ensure that individuals are receiving the most appropriate services to meet their assessed eligible needs in line with the Council's Statutory Duty. It also highlighted evidence that the Council needs to plan for the longer term taking into account the needs of young adults moving into the service and the ageing population of both service users and their families/carer's. As a result of these findings, Cabinet agreed to commence the second phase of the review which has focused on the Connect Service offer as well as developing a deeper understanding of the capability and

capacity within the external market. Following the same approach as the first phase, service users, their families/carer's and staff have been engaged in the review. The second phase also concludes the day opportunities review and makes recommendations for the long term and future "offer" of day opportunity provision.

Following an extensive Consultation process, meeting with carer's, service users and staff, completing an online survey for responses on the approach an analysis of findings have taken place and a recommendation to Councillor Hardman is to continue with the original recommendation back in July 2021.

Upload Business Case or Support documents

No files uploaded

Project Outputs

Briefly summarise the activities needed to achieve the project outcomes.

- * Councillor Hardman's formal decision regarding future plan of Day Services
- * Comms and engagement with all staff, carer's, partner organisations and individuals who would be affected by these changes, would be required through any process.
- Development of external market to ensure capacity for those individuals who will be supported in the community as opposed to a building based service.
- Where changes may be implemented individual reassessments with all individuals will need to take place to review their support plans
- * Agree Key phases to implement the proposed actions which are -
 - Developing the complex care offer within the Resource Centres
 - Commissioning a service which will enable friendships to be maintained
 - Closure of 5 Connect Services when the market is fully established for individuals to move into, and support individuals around this process
- * Commence the advocacy additionally capacity contract
- * Commence Consultation process for 5 Connect Centres including staff
- * Involve Trade Unions throughout the consultation process and HR
- * Formalise a closure process for buildings we own/rent

Project Outcomes

Briefly summarise what the project will achieve.

The project will ensure that those individuals requiring a complex service, will be supported in the right way and with the right staffing levels to meet need. This will be an ongoing co-production alongside staff and carer's to develop an enhanced offer. And to ensure capacity for those individuals who will be coming into Adult Services from Children Services.

There will be an alternative offer for those individuals who may be older but still require friendship and peer support, but in an alternative environment which will be more conducive to their needs. Through the consultation this was a clear area of needs for both Service users and Carer's.

It will ensure that each individual with lower level needs has equitable access to services within their local community offering more choice and independence. And moving away from the more traditional buildings based offer. It will also offer alternative options for younger people coming through services who may require a Day Opportunity.

Throughout all of the above a project outcome is to encourage Direct Payments where possible to maximise choice and control.

Is the project a new function/service or does it relate to an existing Council function/service?

Existing

Was consultation carried out on this project?

Yes

1.2 Responsibility

Directorate/Organisation

People

Service Area

Adult Social Care

1.4 Specifics

Project Reference (if known)

Not Recorded

Intended Project Close Date *

July 2022

1.5 Project Part of a Strategic Programme

Is this project part of a strategic programme?

Yes

An overarching screening has already been carried out for the following areas:

Data Protection

Equality and Public Health

Environmental Sustainability

What was the conclusion?

Full assessment required

Upload previous impact assessment documents if available

No files uploaded

2.0 Personal Data

Who are you processing data about?

Customers, clients or service users

Staff, persons contracted to provide a service

Carers or representatives

What personal data will be collected? *

The second stage is to list all of the types of personal data that you believe the project/works/additional processing will utilise.

Please select yes for as many examples of types of data that are relevant and include any others in the free text at the bottom of the page.

Basic Identifiers:

Name

Yes

Date of Birth

Yes

Age

Yes

Gender

Yes

Sex

Yes

Contact Details:

Address

Yes

Email Address

Yes

Home Phone Number

Yes

Mobile Phone Number

Yes

Postcode

Yes

ID Number:

National Insurance Number

No

Driving Licence/Number

No

NHS Number

No

Other General Identifier

No

Employment:

Work Related Training/Awards

No

Financial:

Income/Financial/Tax Situation

Yes

Appearance:

Photograph

No

Physical Description

No

Lifestyle:

Living Habits

No

Marital Status

No

Technology:

Login/Username

No

Device MAC Address (Wireless Network Interface)

No

Device Mobile Phone/Device IMEI No

No

Location Data (Travel/GDPS/GSM Data)

No

Online Identifier e.g. IP Address

No

Website Cookies

No

Other Data Types Collected

Not Recorded

2.1 Legal basis for Personal Data

What is your lawful basis for processing the personal data? *

Please choose one of the following

Data Subject's consent for the purpose

No

Necessary for a contract with the Data Subject

No

Necessary to comply with a legal obligation

No

Necessary to protect the vital interests of an individual(s)

No

Necessary for a task in the public interest or exercise of official authority of Controller

Yes

Necessary for legitimate interests of Controller unless interests are overridden by the interests or rights of the individual (only available in limited circumstances to public bodies)

No

2.2 Special Data

What special category personal data (if any) will be collected? *

This section will not apply to all projects and should only be completed if it applies to you.

It is important that you read this section carefully, as these data types require additional care and protection.

If you do pick anything from this list, you will be required to give more details in Section 4 of this form.

You can read more about Special Category Data through this link;

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/>

Race

No

Ethnic origin

No

Political opinions

No

Religion

No

Philosophical beliefs

No

Trade union membership

No

Genetic Data

No

Biometric Data

No

Sex life

No

Health or social care

Yes

2.3 Legal basis for Special Data

What is the relevant condition for processing the special category personal data? *

You must qualify under one of the below exemptions as well as having a legal basis from the previous question.

Explicit Consent

The data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject;

No

Employment and Social Security

Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;

No

Vital Interests

Processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;

No

Legitimate Interests of:

"a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim".

Processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;

Note – this is not often applicable to local authorities.

No

Publicly Available Data

Processing relates to personal data which are manifestly made public by the data subject;

No

Legal or Court Proceedings

Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;

No

Public Interest - Statutory Necessity

Processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;

No

Medical, Health and Social Care Provision

Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;

Yes

Public Health

Processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy;

No

Archiving or Scientific, Historical or Statistical Research Purposes

Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

No

2.4

Information Involved

Understanding the information flows involved in a project is essential to a proper assessment of privacy risks.

How will the data be collected? *

This section should be filled in for every project, not just those collecting Special Category data. LAS records will be used to review care packages in place

What will the data be used for? *

This section should be filled in for every project, not just those collecting Special Category data. The data will be used to support ongoing care needs and ensure outcomes are able to be met.

Has data already been collected?

Yes

Are the purposes for which you are collecting the data different? *

If the data you are hoping to use was not collected specifically for this project, please explain in the box below why it was collected. This will include data that you have collected from other teams within WCC.

Social workers are already collating data as part of their normal duties. This process will be a review as per normal duties. So no changes specifically on data collection for this project.

Explain why existing and/or less intrusive processes or measures would be inadequate *

In this section, you should explain why your new method/project is absolutely necessary and show that you have thought about all other options.

Social workers are already collating data as part of their normal duties. This process will be a review as per normal duties. So no changes specifically on data collection for this project.

3.0 Other organisations

Are other organisations involved in processing the data?

Yes

Please provide details of each organisation that is involved in the processing of Data. Do this by adding to the below list. *

Organisation Name	Onside Advocacy
Data Controller or Data Processor	Data Processor
Organisation's Role	Onside Advocacy
Data Sharing Agreement or Contract	Yes
Contract Reference Number/DSA Name	WCC/2020/1423
Organisation involved reason	Onside Advocacy already have a long term contract with WCC where a data sharing agreement is in place. However for the purpose of this project we have required additional capacity to manage the process.
Disclosure and Security	As part of their contract these measures are already in place as part of the procurement process. Extract below from contract - 8. Confidentiality 8.1 Each party:- (a) shall treat all Confidential Information belonging to the other party as confidential and safeguard it accordingly; and Care Act Advocacy: Service User Engagement for Public Consultation & Review (b) shall not disclose any Confidential Information belonging to the other party to any other person without the prior written consent of the other party, except to such persons and to such extent as may be necessary for the performance of the Contract or except where disclosure is otherwise expressly permitted by the provisions of this Contract.

1 record

3.1 Storage detail

How will the information be stored? *

Please include details of whether data will be stored outside of the European Economic Area (EEA). Please remember that cloud storage and back up servers maybe outside the EEA. Data will be stored within the Councils LAS system. Project information will also be stored on the u drive as part of the project records, although the actual details of individuals will be limited primarily to LAS number

For how long will the data be retained? *

The data will be retained within the Councils usual guidelines. Staffing information are held for 6 years after the person has left. Project records will be help for up to 6 years post implementation.

What is the deletion process? *

In line with company policy

4 Consultation details

Consultation can be used at any stage of the DPIA process and is important to allow people to highlight privacy risks and solutions based on their own area of interest or expertise.

For further assistance and information please visit the [consultation toolkit section on Ourspace](#).

Explain what practical steps you are going to take to ensure that you identify and address privacy risks *

Individual records are held securely through Liquidlogic. Consultation documents will have limited distribution to reduce the risk of privacy being compromised. Any HR records are held centrally and only limited/necessary information shared for consultation.

Who should be consulted, internally and externally? Do you need to seek the views of members of the public? *

Internal staff, Service users, their carer's and family

How will you carry out the consultation? *

(You should link this to the relevant stages of your project management process)

Consultation has now closed for the Public and was completed through a variety of ways -

- Online Survey
- Face to face meetings with carers
- Face to Face sessions with SU's
- Staff briefing with all staff

Individuals were invited to engage in consultation with management on the proposals presented - including asking questions, challenging information etc. Individual responses to the consultation were recorded and circulated via post to each individual/carer/service user.

After discussions with HR it has been agreed that unions will be update and that formal consultation with staff will commence in the new year.

5 Risk register

At this stage you should identify the possible privacy risks together with their likelihood, severity and overall level, and for high risks the measures taken to reduce the risk.

Add any risk to the relevant sections below.

Fair and Lawful Processing

Data must be processed lawfully, fairly and in a transparent manner.

Please also consider

- Have you identified at least one lawful basis for the personal data processed as part of the project?
- Does at least one Controller involved have a lawful power to act?
- Do you need to create or amend a privacy notice?
- How is your processing going to be transparent?

Risk that processing is not transparent, and individuals are unaware that data is being collected or why it is processed

Unmitigated Risk

Likelihood - Unlikely

Severity - Minimal Impact

Score - Low

Mitigation/Solution

All assessments take place with SU's and carer's so its unlikely they would be unaware of data being collected.

Mitigated Risk

Likelihood - Unlikely

Severity - Minimal Impact

Score - Low

Result

Accepted

Risk that information is being processed unlawfully

Keep it Green, Keep it on the Screen

No Risk

Specific, explicit and legitimate purposes

The purpose for which you process personal data must be specified, explicit and legitimate. Personal data collected must not be processed in a manner that is incompatible with the purpose for which it was originally collected.

Please also consider

- Does your project plan cover all of the purposes for processing personal data? If not your plan needs amending accordingly.
- Are all elements of the processing compatible with the original reason and justification for the processing?
- What are these specific, explicit and legitimate purposes?

Risk of 'mission creep' and information is used for different, or incompatible purposes to that identified when originally collected

No Risk

Adequate, relevant and not excessive

Personal data processed must be adequate, relevant and not excessive in relation to the purpose for which it is processed.

Please also consider

- Is the quality of the information adequate for the purposes it is used?
- If not, how is this to be addressed?
- Are measures in place to ensure that data is limited to that which is needed to fulfill the aim of the processing?
- Which personal data elements do not need to be included without compromising the needs of the project?

Risk of loss of control over the use of personal data

Unmitigated Risk

Likelihood - Unlikely

Severity - Minimal Impact

Score - Low

Mitigation/Solution

Ensure that staff adhere to existing data protection policies and processes

Mitigated Risk

Likelihood - Unlikely

Severity - Minimal Impact

Score - Low

Result

Accepted

Risk that inadequate data quality means the information is not fit for the identified purpose(s) potentially leading to inaccurate decision making

No Risk

Risk that any new surveillance methods may be an unjustified intrusion on individuals' privacy

No Risk

Accurate and timely

Personal data processed must be accurate and, where necessary, kept up to date, and every reasonable step must be taken to ensure that personal data that is inaccurate is erased or rectified without delay.

Please also consider

- If you are procuring new software does it allow you to amend data when necessary?
- How are you ensuring that personal data obtained from individuals or other organisations is accurate?
- Do you have processes in place to keep data up to date?
- If any data sets are to be merged, what checks are carried out to ensure that the right data records are matched/merged together?

Any data matching or linking, including whole data sets may link wrong records together

Unmitigated Risk

Likelihood - Unlikely

Severity - Minimal Impact

Score - Low

Mitigation/Solution

All information is recorded on Liquidlogic and if any information is inaccurate this will be visible to those individuals who require access and a deletion can be made. Regular reviews take place within the Social Work Teams to ensure that the information recorded is up to date and still relevant.

Mitigated Risk

Likelihood - Unlikely

Severity - Minimal Impact

Score - Low

Result

Accepted

Storage limitation

Personal data must be kept for no longer than is necessary for the purpose for which it is processed. Appropriate time limits must be established for the periodic review of the need for the continued storage of personal data.

Please also consider

- What are the risks associated with how long data is retained and how they might be mitigated?
- Has a review, retention and disposal (RRD) policy been established?
- How does the software enable you to easily act on retention criteria – does it enable bulk review/destruction; set review periods; extract for long-term preservation/retention of the corporate memory?

Risk information is retained for the wrong length of time (both too long and too short)

No Risk

Risk information is not securely destroyed when its retention period has been reached

No Risk

Security

Personal data must be processed in a manner that ensures appropriate security of the personal data, using appropriate technical or organisational measures (and, in this principle, “appropriate security” includes protection against unauthorised or unlawful processing and against accidental loss, destruction or damage).

Please also consider

- What technical and organisational measures are in place to ensure that the data is protected to an adequate level?
- What training on data protection and/or information sharing has been undertaken by relevant staff?
- What access controls are in place to enforce the ‘need to know’ principle?
- What assurance frameworks are utilised to assess adequacy of security measures in place e.g. NHS DSPT; Cyber Essentials Plus; PSN Certification?

Risk of loss of confidentiality

No Risk

Risk of inadequate security controls in place to protect and secure personal data, including inappropriate access

No Risk

Risk that workers processing the data are not aware of their data responsibilities

No Risk

Risk that information is distributed using inappropriate methods

No Risk

Risk of re-identification of pseudonymized or anonymised data (e.g. collecting matching and linking identifiers and information may result in information that is no longer safely anonymised)

No Risk

Risk that information is transferred to a ‘third country’ without adequate safeguards

No Risk

Financial and reputational

Risk of identity theft or fraud

No Risk

Risk of financial loss for individuals or other third parties

No Risk

Risk of financial loss for the Council (including ICO fines)

Unmitigated Risk

Likelihood - Unlikely

Severity - Minimal Impact

Score - Low

Mitigation/Solution

If all mitigations actions are listed around the sharing of data we not likely to breach ICO guidelines so will not incur fines.

Mitigated Risk

No Risk

Result

Eliminated

Risk of reputational damage to the Council, partners, and processors

Unmitigated Risk

Likelihood - Likely

Severity - Some Impact

Score - High

Mitigation/Solution

Changes to Day Services will have a political impact and carer's, families and Service users will potentially refer to Council members for support. To reduce this risk consultation and communication and engagement with all involved is key.

Mitigated Risk

Likelihood - Reasonably Unlikely

Severity - Minimal Impact

Score - Low

Result

Reduced

Health, safety and wellbeing

Risk of physical harm to individuals

No Risk

Risk of physical harm to staff and workers

No Risk

Risk of discrimination

No Risk

Risk of other significant economic or social disadvantage

No Risk

Individuals Rights

Data protection legislation gives data subjects' various rights (listed below). Limiting or restricting any of these rights is likely to be a significant impact so the justification for any restriction, as well as mitigations, must be fully outlined.

Inability to meet individuals' right to be informed

No Risk

Inability to meet individuals' right of access

No Risk

Inability to meet individuals' right to rectify inaccurate data

Keep it Green, Keep it on the Screen

No Risk

Inability to meet individuals' right to restrict processing

No Risk

Inability to meet individuals' right to object

No Risk

Inability to meet individuals' rights relating to automated decision making and profiling

No Risk

Additional project specific risks

No additional risks recorded

6 Declaration

I confirm to the best of my knowledge that the information I have provided is true, complete and accurate *

Selected

I confirm that I will make sure that data protection has been and continues to be considered throughout the project life cycle and should circumstances change in the project to include any processing of personal data a further Data Protection Impact Assessment Screening will be carried out *

Selected