

COMMUNITY BUDGETS POLITICAL LEADERSHIP GROUP
DATA AND INFORMATION SHARING – INITIAL REPORT

From: Greater Manchester (GM)

Date: 18th May 2011

1. Purpose of the note

At the PLG meeting on 5th April the sharing of data and information between departments and agencies was identified as fundamental to the success of community budgets (CB). Greater Manchester was asked to produce this note summarising progress on the issue and identify actions that the PLG can undertake in relation to data and information sharing.

From work undertaken to date on this issue, we believe that the key issues that need to be tackled relating to data and information sharing are cultural and technical. Data and information sharing is consistently seen as a block to innovative projects. However, in many cases, it is possible to access the necessary data and information within existing legislation – the issue is more that people are unclear how to navigate the system; are concerned about getting it wrong; and therefore assume it is difficult/impossible to achieve. Giving people the confidence and tools to effectively navigate the system is therefore, for us, the key issue.

The following note explores this in greater detail. As requested, the topics covered by the note are as follows:

- The specific problems that have been identified in relation to data and information sharing
- Evidence on the impact of these problems and the rationale for developing solutions to these problems
- Potential solutions to these problems, in particular:
 - Access to specific datasets
 - The legal & technical challenges that need to be overcome
 - The culture change that is needed to ensure data and information sharing
- What will happen if no solutions are found or agreed?
- Next steps for PLG (and others)

2. The specific problems that have been identified in relation to data sharing

Over the past few years there have been a number of projects and pilots across GM, and the wider North West region, which have sought to reform the ways in which agencies deliver services to certain groups. Officers working on these initiatives have highlighted many issues relating to the sharing of data and information between departments and between agencies, including the following, which mainly relate to sharing personal data and information:

- Difficulty identifying the size of the cohorts we are working with – for example, some pilots have struggled to get information from maternity services, making it harder to engage with families before, during and after a birth;

- Difficulty understanding the exact needs of the cohorts we are working with – for example, we may know that a family or individual have been in contact with the health service but we don't know what support they received from the health service and hence whether they have drug or alcohol addiction issues that need to be tackled before they receive support for other issues;
- An inability to analyse and share information relating to how much each agency is spending on delivering support to a family. This is partly due to the lack of common identifiers for particular families or individuals - different organisations use different identifiers for different people e.g. NHS number, NINO, local authority references etc. Linking data is a big issue that requires some common standards;
- Bureaucratic challenges, with the redesign of health and employment services leading to staff not having access to previously available data and information;
- Different approaches to, and formats for, data and information sharing agreements across the 10 localities – including the use of different language to describe the same data and information;
- A lack of time and resources to pull together and share the requested data
- Conflicting legal advice across localities/agencies over what can and cannot be shared, especially relating to personal data;
- Unwillingness of partner agencies to explain how they assess need and what information they collect through their assessment processes, leading to duplication of information gathering activities.

3. Why do these data sharing issues need to be addressed?

GM believes that there is a strong rationale for timely, detailed and secure sharing of data and information about individual and families in order to enable public services to deliver joined up, seamless services. We see data and information sharing as crucial to the success of community budgets and have identified multiple points in the 'family journey', from initial identification, to the designing of support, to the tracking of impact, at which data and information sharing is desirable:

Stage 1: Easier and quicker identification of need

If all the partner agencies who work with families with complex needs within a location are willing to share information on these families it becomes quicker and easier to identify those families who have the greatest need and focus our joint resources accordingly.

Ongoing data and information sharing will also help to bring new families into the target cohort. For example, partners may request information from midwives about expectant mothers in order to be in place to offer support before and after the birth.

Stage 2: Better design of interventions

Identifying those families most in need of support is only the first step in any community budget process. Agencies then need to work together to agree the ways in which support will be commissioned and delivered to these families. Again, information sharing plays a vital role in helping partners to understand what support a family is currently/has previously accessed and what wider support they may have been referred to.

Data sharing at the intervention design stage also helps to identify where two agencies are delivering the same/highly similar support. For instance, a family may be receiving training advice from both Jobcentre Plus and their housing provider outreach service. The community budget partnership can end this duplication and thereby stretch resources further.

Stage 3: Evaluation of impact

Community budgets will deliver holistic interventions which deliver multiple outcomes, each contributing towards the goals of a specific partner agency. For example, a community budget may aim to reduce worklessness, reduce demand on the health service, reduce demand within the criminal justice system and improve resident perceptions of an area. Data and information sharing is a prerequisite of being able to demonstrate performance against such a wide range of indicators. Furthermore, this data and information sharing is required throughout the lifetime of a community budget. This will allow partners to track and review progress, redesigning interventions if necessary – thus, data and information sharing agreements are needed from the outset.

Community budget partnerships may also need to be able to access data and information relating to families who they are not going to support. This information will be needed to enable them to establish and track a control/comparison group, whose positive outcomes (or not) will be used to demonstrate the *net* impact of the community budget.

Informing investment agreements

Underpinning the different stages of data and information sharing is the need to develop and deliver a package of interventions that can command investment from all the departments/agencies whose work relates to families with complex needs. If a community budget partnership can demonstrate that its work is focused on the families that all agencies work with, that it is delivering interventions in the best possible way, and that these interventions are having a clear impact on a range of outcomes, then it is far more likely that each agency will be willing to commit budgets and/or resources to the community budget. For example, a pilot might see strong links between its work and the aim of the health service to reduce unnecessary demand on A&E services. However, it will be hard to make the case for proportionate health investment if the pilot does not have access to the medical records of the families they are working with and cannot therefore demonstrate its impact on unnecessary use of A&E.

4. Solutions to problems relating to data sharing

Experience tells us that we will need to take a multi-faceted approach if we are to ensure that all community budget pilots have access to all the data and information they require in order to successful support families with complex needs. The solutions we develop will need to result in:

- access to specific datasets;
- the clarification of legal uncertainties;
- the development of common technological approaches; and
- the fostering of a culture in which people are willing to share data and information.

4a. Access to specific datasets

In the previous sections we mentioned instances where programmes or pilots have had difficulty accessing specific pieces of data (or datasets more generally). Other central government datasets that would appear to be of benefit to pilot areas include:

- HMRC information on incomes
- National police records
- Offender data

However, following GM-wide discussions it has become apparent that ‘data blockages’ are not common across all 10 GM localities. For example, a survey found that some North West local authorities receive live birth data from maternity services but many do not.

Given the variation in the data that different local authority are able to access, we believe the short-term priority is for us to investigate at a local level why some local authority are able to access the data and others are not. The methodology employed in the investigation could combine a ‘circle of need’ approach with customer/family journey mapping. This will involve:

- Setting out the stages in the family’s journey (identification, design of support, delivery of support, evaluation of impact);
- For each stage, using a ‘circle of need’ approach to identify all the data and information that will be needed to successfully deliver that stage in the journey – requirements will vary by stage, for instance the data a pilot needs to identify eligible families will be different to the data it needs to gauge the impact of working with these families;
- For each piece of data and information, identifying whether pilots have the necessary access or, if there are barriers to access, what needs to be done to unblock the issue.

The advantage of this approach is that it will generate lots of short-term practical actions for PLG. For example, many GM pilots are currently working to identify which families should be offered additional support. It should therefore be possible to quickly state: *“to accurately identify families we need x, y and z; we cannot access z because of this reason; to unblock access we need to do the following.”* As pilots move towards designing, delivering and evaluating support we will become aware of further data blockages.

4b. The legal and technical challenges that need to be overcome

Local partners and community budget pilots working together to unblock access to specific data will be of great use to community budgets. However, the benefits of such action will be diluted if we do not, at the same time, seek to address underlying challenges relating to data and information sharing within and between public agencies. The GM Data Sharing group is committed to analysing and unpicking underlying challenges, such as:

Giving officers clarity in relation to the key legislation on data sharing

A key challenge is that different Councils interpret the law around data and information sharing in different ways.

Guides relating to the key legislation on data and information sharing are publicly available but anecdotal evidence suggests that they are not widely read at officer level. This means we are faced with situations in which:

- Offices defer to existing practice rather than legal procedure (e.g. *we have never shared that data before so why start now?*);
- There is confusion over whether the Data Protection Act (**DPA**) is applied before or after any relevant statutory legislation;
- There is debate over whether local authority powers such as the 'general power of competence' circumvent other legal requirements;
- Different approaches are adopted in respect of sharing quantitative and qualitative data and information;
- There is confusion over rules for sharing data and information within and between agencies.

Even if clarity can be provided on these issues, there is still the vexing issue of judging whether the sharing data and information will be for the good of a particular family. Many community budget pilots will be implementing unproven interventions or processes in the hope that they deliver better outcomes for families. However, these interventions and processes could deliver worse outcomes than business as usual. Does such uncertainty affect our ability to share data and information?

As a group we should be able to reach agreement on the answer to these and other legal questions. However, it may be that we need to provide frontline community budget officers with simplified versions of the answers. Legalese is often intimidating. There might be more value in producing a simple yes/no guide to sharing specific pieces of data and information (or more likely: *yes, you can share this information, provided you meet DPA requirements*). The guidance should also explain any differences between the sharing of quantitative indicators and qualitative opinions

Data confidentiality and informed consent

Having clear, written down principles stating what data and information can be shared, and what data and information cannot be shared, will be crucial. Also, where we identify a need for personal data we want to go a step further and agree whether specific names are needed or whether pseudonymised data will suffice. We are keen to develop a GM-wide and information information sharing protocol which would set out these principles in an easy to understand manner. However, we will review the recently released guidance from the Information Commissioner's Office (**ICO**) and the Ministry of Justice (**MOJ**) before we begin to develop a GM information sharing protocol.

The protocol will need to address and explain the issue of informed consent and identify where new powers need to be introduced. At present confusion exists over what informed consent allows you to do. Just because an individual has signed a form saying that they are happy for their/their child's information to be shared, this does not remove the need for a legal basis to the data and information sharing. There are also the added complexities of:

- Different agencies requiring different levels of informed consent;
- Informed consent needing to be renewed if there is a significant change in the way that information is used or in the relationship between an agency and an individual/family, or a considerable amount of time has elapsed since consent was last given.

Data and Information sharing agreements

GM is planning to develop common data (bulk data) and information (case-by-case information) sharing agreement templates. Analysis from GM and across the North West has revealed that although many areas adhere to the general Tier 1 (strategic) / Tier 2 (specific) framework of data and information sharing agreements, in terms of the actual design and format of Tier 2 agreements, much variation is found. Having Tier 1 and Tier 2 data and information sharing agreement proformas, endorsed by government and the ICO, would be of great benefit. For example, officers could be trained in how to complete and review the proformas, making it quicker and easier to identify what data and information can be shared and to request this data and information. There will be a need to consider how this relates to other sectors – voluntary/community and private.

Currency and granularity of data

It should be remembered that having access to data is only part of the issue; it is also important to be able to access data at the relevant spatial level and with the required frequency. As a hypothetical example, a community budget pilot may want to judge its impact on the educational attainment of the young children within the families it is supporting. If educational attainment data is only made public 9 or twelve months in arrears it will be difficult for the pilot to make the case for an extension of its work. Likewise, some datasets are only publicly reported at local authority, ward or SOA level. This makes it impossible to identify family level impacts.

IT systems

Initiatives such as the *Government Connect* GCSX network and increasing use of secure email addresses by public sector staff are providing a framework for the exchanging of confidential information and data between agencies (although note that this does not cover the third sector at present). However, if data cannot then be incorporated or analysed by the receiving agency its value is diminished or lost. Work is needed to map the different customer relationship management (CRM) and database systems/formats used by the different public agencies involved in community budgets. This work needs to identify issues such as:

- those points at which systems are unable to ‘talk to one another’, leading to a break down in data sharing;
- the issue of data being stored in different formats, to different standards and using different identifiers – all of which makes it harder to bring together information about an individual or family across agencies.

We also need to understand whether existing software contracts lock agencies into certain CRM/database systems for a set period of time.

DataGM case study

Data GM is an online store of open public sector data on transport, education and crime. The development of the data store is being managed by Trafford Council with funding from the Manchester Innovation Investment Fund.

DataGM allows data not normally brought together to be considered, so deeper understandings of public sector impacts may be developed.

At present the DataGM tool only includes non-personal data. However, there is the intention to develop secure channels within the site, through which named individuals will be able to gather and analyse personal data which may be covered by the DPA. The GM Data Sharing group will be considering how DataGM can be trialled on the sharing of personal data relating to the families we are working with through our various community budgets.

4c. The culture change that is needed to implement data sharing

Gaining common access to specific datasets, and unblocking the legal and technical challenges related to data and information sharing, will provide a firm foundation for the success of community budgets. However, these efforts will count for little if officers do not then adopt a proactive approach around requesting and providing data and information. Accordingly, the GM Data Sharing group is interested in working with national partners to develop a 'dare to share' culture, where the presumption is in favour of sharing, rather than withholding, data and information. Work on the following could help to develop such a culture:

Officer training

GM is interested in developing officer training with the aim of embedding a data and information sharing culture across all localities and all agencies. Such training could cover:

- Which agencies hold what data and information relating to families with complex need
- What data and information is (and is not) commonly available
- How to complete/interpret data and information sharing agreements
- Best practice in relation to storing, managing and using data and information
- Links to sources of further information

DWP have indicated a willingness to be involved in any such training. We would also welcome learning from and working with other community budget pilots who are working on this topic in order to create a quality assured training programme.

Hard copy/electronic materials

Alongside delivering training, GM recognises the need for hard copy and electronic materials to be produced so that officers can refresh and update their knowledge as and when necessary. At present there are several virtual communities relating to either community budgets or data and information sharing (e.g. Communities of Practice sites for Government Connect and Total Place) but none that cover both topics. Thought needs to be given to which site is best placed to become the first point of call for any query about community budgets and data and information sharing. The site could include an electronic library of documents relating to data and information sharing.

Central resource/advice point

Linked to the above point, having named individuals, at both the GM and national level, who can provide quick answers to community budget pilot officer questions would increase the likelihood of officers adopting a sharing culture.

Gaining the public's trust

An area could adopt best practice around the operational, legal and technical challenges of data and information sharing but still do fatal damage to the success of their community budget pilot if they do not involve the families they are working with, and the wider public, in the process. If a family feels that their data and information is being shared unfairly or for reasons they don't understand they are less likely to want to engage with the support being offered to them or less likely to stick with that support in order to reach a desired outcome.

Recent research by Birmingham City Council found that a majority of residents do not see the council as the natural place to store personal data and information and do not trust the council to share their data and information with other agencies. Hostility towards personal data and information sharing was particularly prevalent amongst the types of residents who community budget pilots will be working with – i.e. low income families living in social housing in deprived areas.

To retain public trust, pilots will need a clear statement on what personal data and information they are sharing for what purposes, and how this sharing of data and information leads to better outcomes for families and the wider community. Anonymised customer journey case studies, which include illustrations of the inefficiencies of current data and information sharing practices, and public online resources showing how pilots are acting upon the data and information they share (see example below), could be a powerful way of getting this message out. Endorsement from independent agencies such as the ICO will also be important.

Birmingham Civic Dashboard

The Birmingham Civic Dashboard website allows residents to see local issues such as housing repairs, anti social behaviour and missed waste collections that have been reported to the council on an online interactive map. Every day, the application takes live data from the city's Customer First contact database and shows trends on a map which will allow the council and residents to identify 'hotspot' areas where issues are common or recurring.

5. What will happen if no solution to data sharing issues is found or agreed?

Failure to address the operational, legal, technical and cultural challenges described above through the implementation of the recommended solutions will not result in the complete failure of the community budgets pilots. Individual pilots will still progress, with some having access to a large amount of data, others less so. However, under this piecemeal scenario, the activities and impact of the pilots will be sub-optimal. For example, referring back to our original description of the 'family journey':

- Patchy access to, and use of, data will prevent pilots from identifying those families most in need, leading to the inefficient allocation of resources;
- Patchy access to, and use of, data will make it harder for pilots to specify the exact support a family needs, leading to ineffective interventions and/or duplication of activity;
- Patchy access to, and use of, data will hinder efforts to track impact and evaluate the pilots, meaning that in 2013 we will be less informed about what works in relation to supporting families with complex needs.

The last point focuses the mind on the government's desire to see community budgets rolled out nationwide from 2013 onwards. Having a single agreed approach on how local areas can share data on families with complex needs, and the tools to disseminate this approach, will significantly speed up the roll out process.

Ideally, we will deliver solutions to the operational, legal, technical and cultural challenges in the form of a single work plan. However, if prioritisation of solutions is required, embedding cultural change around data and information sharing, via advice and guidance, would appear to be most pressing. If officers adopt a culture of asking for and giving data and information, then subsequent operational, legal and technical challenges can be tackled in due course.

5. Next steps for PLG

Several actions are needed to address the legal, technical and cultural barriers to data and information sharing described above.

At a GM level we plan to progress the following actions:

- Confirming the methodology we will use to identify what data and information we need to gather on each family we work with at each stage in the customer journey, and from this understanding what data we can/cannot access;
- Continuing to develop the DataGM system so that it can hold and give secure access to multiple forms of personal/family data;
- Develop a GM-wide Information Sharing Protocol underpinned by common Data and Information Sharing Agreement proformas, drawing on guidance issued by ICO/MOJ;
- Identifying GM-level information and contact points for officers who have questions relating to data sharing;
- Designing a data and information sharing training workshop for officers involved with community budget projects.

We would welcome working with other community budget pilots on these actions.

There is also a role for Whitehall and partners such as the ICO and MOJ. Tasks that are suited to a national level input include:

- Addressing any specific data blocks identified by the 'circle of need' exercise;
- Leading the research into how different IT systems across government departments hinder data sharing;
- Collaborating with pilots to develop a shared interpretation of the legislation relating to data and information sharing, and to disseminate this to relevant officers;
- Inputting to the work on information sharing protocols and data and information sharing agreement proformas;
- Providing expertise and content for the training workshops;
- Managing and maintaining a central suite of electronic resources and providing a named contact who can answer specific data sharing queries from pilot area staff;
- Agreeing a common approach to communicating with the public on what data and information pilots are sharing, why they are sharing the data and information and how it leads to better outcomes for families and communities.

This work will dovetail with the DfE exemplar project workplan being developed by Birmingham, Bradford, Greater Manchester and Leicestershire. That workplan is still in development but is likely to include a focus on strategic issues such as when anonymised data is/is not required and operational issues such as workforce training and ICT systems reviews.