

Public Service Delivery Review Board meeting

Minutes

Tuesday 25th September 2018

13:00 - 14:30

The Public Service Delivery (PSD) Review Board (the Board) met for the first time on Tuesday 25 September. The focus of the meeting was discussion and agreement of the terms of reference, membership, and process for the review of new objective proposals under the PSD powers. The Board also heard a new objective proposal on Early Learning and Childcare from the Scottish Government.

1. Welcome and introductions

The Chair welcomed attendees and set out the agenda.

2. Background to the DEA 2017 and the Public Service Delivery powers, Rationale for the PSD Review Board

The secretariat presented slides with background information on part 5 of the Digital Economy Act and the Public Service Delivery chapter.

Action 1 - Secretariat to circulate slides to the Board

3. Terms of Reference and Membership

The secretariat set out the proposed terms of reference and welcomed the views of the Board. The secretariat emphasised that the Board is an advisory body and that the relevant DCMS minister will be taking decisions based on the balanced advice of the Board.

Points raised

- Scope: The line on scope at section 3 should be clearer. It should set out that the scope applies to all proposals for England only objectives, UK wide objectives or proposals from devolved administrations which require the use of reserved data.
- Functions: Timeframes for assessing proposals need to be clearly defined. Any wording should include the line that the Board will keep these timings under review.
- Metrics: Discussion of function 4(b) around monitoring/assessing the value of the gateway and what can be put in place, in terms of metrics, to help fulfil this function.
- Role of Board members: Board members should be prepared to share any knowledge they have of difficulties that specified persons are having in making use of the PSD powers on a case by case basis. Any useful intelligence like this can then be considered by the Board and reported to the relevant personnel such as the Data Advisory Board and Ministers.
- Review: In addition to an annual report to Ministers on the Board's activity, the terms of reference should allow the option for interim reports from Board members setting out any intelligence gathered on use of the powers/any issues or difficulties with sharing information under the power.
- Frequency of meetings: A line should be added stating that holding meetings on a quarterly basis will be kept under review.
- Composition: There were several aspects covered:

- Representatives of other departments/organisations could be brought into specific meetings if discussion on a particular issue or objective proposal would benefit from their expertise. This could mirror the approach for the Review Board which oversees use of the debt and fraud powers. The debt and fraud Review Board can invite extra expert opinion, based on merit, as required and according to volumes and complexity of proposed data shares submitted.
- Named board members should attend but they can appoint deputies to cover for them. Deputies should only attend in exceptional circumstances - considerable notice of meetings will be given to help ensure, as much as possible, that the named Board members are able to attend each time.
- Membership: Centre for Data Ethics and Innovation could be included in the Board. The Chair stated that DCMS works closely with that team and their potential involvement could be kept under review.
- Onward disclosure: It must be made clear if and when information discussed at the Board can be shared with others in representative departments/organisations.
- Other suggested changes:
 - Under the process section the fourth sub bullet at the end of that section should be separated out into a standalone bullet.
 - In the transparency section it should always say 'minutes' rather than 'notes'.
 - The Board composition should specify that ICO attend as an observer.

Action 2 - Secretariat to revise the terms of reference in light of the comments of the Board and share with the Board for agreement.

Action 3 - Secretariat to compile list of deputies for Board members.

4. Review Board process

The secretariat set out the proposed Review Board process for the consideration of new PSD objective proposals and welcomed the views of the Board.

Points raised

Development of proposals: The Board requested more detail on the process for developing and submitting a proposal. In particular, the Board requested that more details be provided on the process undertaken between the Secretariat and the body proposing the objective, ahead of the proposal being submitted formally to the Board for review. The Chair noted that much of the process for development and submission of proposals is included in the Information Sharing Code of Practice¹ (the Code of Practice for public authorities disclosing information under Chapters 1, 3 and 4 (Public Service Delivery, Debt and Fraud) of Part 5 of the Digital Economy Act 2017)

Advice to Minister: Question about whether the proposer of the objective should be able to check the advice for accuracy prior to it being sent.

Merit: Discussion around what is meant by 'merit', how it should be measured and evaluated, and who by. The secretariat stated that the principal consideration is whether the objective meets the conditions set out in legislation, as well as meeting the requirements of

¹<https://www.gov.uk/government/publications/digital-economy-act-2017-part-5-codes-of-practice/code-of-practice-for-public-authorities-disclosing-information-under-chapters-1-3-and-4-public-service-delivery-debt-and-fraud-of-part-5-of-the-di>

data protection legislation. The Board also noted that proposals may have merit but be impractical, so proportionality in terms of resources should be a factor. The role of the Board should be to provide assurance and advice to Ministers, not set the metrics. The onus should be on the organisations bringing the proposal to report back to the Board with an evaluation of the data share.

Action 4 - Secretariat to provide further detail on the Review Board process, and the process for development of proposals in particular.

5. New objective proposal

Scottish Government presented their new objective proposal on Early Learning and Childcare.

Points raised

- Pro forma: The Board felt that some of the language in the pro forma could be tightened up in order to elicit more comprehensive responses from bodies submitting proposals for future objectives. The pro forma should be updated to make it clear what level of detail is required.

Action 5 - Secretariat to update the pro forma in light of the Board's comments

- Feedback on the proposal: The Board's consensus was that the objective has merit. The Board felt that there was a need for further details on the proposed data sharing process itself. For instance:
 - More detail on timeframe for data retention.
 - Clear reference to the evidence and metrics used to judge the benefits of the proposal.
 - On question 11, there should be an unambiguous statement that there are no alternative legal gateways.
- These details can be developed through further discussions between Scottish Government, HMRC and DWP.

Action 6 - Scottish Government to: consider the points made by the Board; engage in discussions with HMRC and DWP; and then report back to the Board.

Action 7 - Secretariat to circulate proposed future meeting dates to the Board

Attendees:

- Sue Bateman, DCMS, Chair
- Adrian Ball, HMRC
- Lee Almond, HO
- Edgar Whitely, PCAG
- Louise Bennett, PCAG
- Judith Jones, ICO (observing)
- Steven Aldridge, MHCLG

By Phone

- Ross Young, UKSA
- Helen Walker, DWP
- Carolina Valsecchi, BEIS
- Roger Halliday, SG
- Joanna Mackenzie, SG
- Claire Wainwright, SG
- Anna Bartlett-Avery, WG

Secretariat:

- Lee Pope, DCMS
- Alastair Bolton, DCMS
- Andrew Barnfield, DCMS

Apologies:

- Lorraine Jackson, DHSC
- Jenny Westaway, NDG

Summary of Actions

	Description	Owner	Status
1	Secretariat to circulate slides to the Board.	Secretariat	Closed
2	Secretariat to revise the terms of reference in light of the comments of the Board and share with the Board for agreement.	Secretariat	Closed
3	Secretariat to compile list of deputies for Board members.	Secretariat	Closed
4	Secretariat to provide further detail on the Review Board process, and the process for development of proposals in particular.	Secretariat	Closed
5	Secretariat to update the pro forma in light of the Board's comments.	Secretariat	Closed
6	Scottish Government to: consider the points made by the Board; engage in discussions with HMRC and DWP; and then report back to the Board.	Scottish Government	Closed
7	Secretariat to circulate proposed future meeting dates to the Board.	Secretariat	Closed