

EAST HERTS COUNCIL

EAST HERTS COUNCIL AND STEVENAGE BOROUGH COUNCIL  
JOINT REVENUES AND BENEFITS COMMITTEE – 28 JANUARY 2014

REPORT BY THE STEVENAGE STRATEGIC DIRECTOR  
(RESOURCES)

6. HOUSING BENEFIT DATA SHARING

WARD(S) AFFECTED: ALL STEVENAGE WARDS

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**Purpose/Summary of Report:**

- To advise Members on the ability for the Shared Revenues and Benefits Service to share Housing Benefit customer data with other services at Stevenage Borough Council.

**RECOMMENDATION FOR EAST HERTS COUNCIL AND  
STEVENAGE BOROUGH COUNCIL JOINT REVENUES AND  
BENEFITS COMMITTEE:** That

<b>(A)</b>	The current position regarding the sharing of data between the shared service and other Stevenage Borough Council services and the plans for the introduction of a data sharing protocol be noted.
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1.0 Background

1.1 A request was raised at joint committee on 1<sup>st</sup> July 2013 for officers to research the ability of Housing Benefit customer data to be shared with other services at Stevenage Borough Council to support their work.

2.0 Report

2.1 Provisions to share data in Welfare Reform Act 2012

2.2 The Departments of Work and Pension (DWP) frequently issues guidance to councils in the form of numbered Circulars, setting out specific advice on the application of benefits legislation. It is expected that all councils will follow the advice given in these Circulars.

2.3 The DWP issued Housing Benefits Circular A5/2012 which explains the use of provisions made available in the Welfare Reform Act 2012 (s.130-133) and the Social Security Regulations 2012. These provisions of particular relevance to the council can be found within **Essential Reference Paper 'B'**.

2.4 The Circular (s. 1.7) also states that the above provisions are “permissive and not mandatory”. This means that the shared service has discretion to share data in the described circumstances. This presents an opportunity to strengthen working relationships between the shared service and other council services for the benefit of customers.

### 3.0 Explicit customer consent

3.1 In data sharing scenarios not accounted for in the Welfare Reform Act, in which a council service wants to have access to an individual’s benefit claim, this may be done where the customer has provided signed explicit consent for this to happen. For example, to provide detailed advice and guidance to a customer, the Housing Advice service may need details of their benefits case.

3.2 The process for services to capture consent and for the shared service to share, is already in place or planned for the Housing Advice and Homeless services, and the council’s Housing Management service.

3.3 This approach overcomes complexities introduced by the Data Protection Act, such as when claim information has been collected by other agencies and then passed to the shared service, or the customer does not want their details to be shared outside the direct needs to process Housing Benefit (or otherwise permitted under statute, such as Welfare Reform Act above).

3.4 The use of explicit customer consent is now being adopted by the DWP for use in the Universal Credit trial areas (Universal Credit Local Support Services Update and Trialling Plan, Dec 2013, section 7,) because they recognise legislation does not cover all data sharing situations and that customers may wish to exercise their right to privacy.

### 4.0 Shared service acting on behalf of another service

4.1 There may be cases in which council services are trying to pro-

actively get in touch with customers, but neither of the above methods appear to give them a way of requesting contact details from the shared service. For example, the Income Team in the Housing Management service may wish to write to people claiming benefit and on low income offering advice and guidance but the shared service may not be able to release that information under the provisions of the Welfare Reform Act, and explicit consent for this kind of contact is not in place for all customers.

4.2 In these cases the shared service can send out the mailing themselves containing whatever literature is required on behalf of the requesting service. This still enables the correct customers to be contacted, but without the need to directly share data between services. There may be a cost to doing this.

#### 5.0 Additional actions

5.1 The above methods will be effective in enabling data sharing in most cases anticipated at this stage. However, if in the future other situations arise, the shared service is committed to finding effective solutions.

5.2 To bring greater clarity and accountability to the process of data sharing between the shared service and other council services, a data sharing protocol is being developed for use in documenting data sharing requests. It's anticipated that a protocol would address issues around data security and restrictions on what it could be used for.

5.3 Now that the permitted methods for sharing data are understood, a piece of work alongside the development of the protocol will be to understand the future level of data sharing requests.

#### 6.0 Next Steps

6.1 Draft of data sharing protocol, with the final version in use anticipated in April 2014.

#### 7.0 Implications/Consultations

7.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None.

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