Troubled Families Programme National Impact Study

This document sets out information about the National Impact Study (NIS) that forms part of the new Troubled Families Programme, including legal considerations and information about the process. More detailed information will follow over the following weeks, as we work with our new evaluation partners – the Office of National Statistics (ONS) – to implement this project.

Introduction

In April 2012, the government launched the first Troubled Families Programme: a £448 million scheme to incentivise local authorities and their partners to turn around the lives of 120,000 troubled families by May 2015. The first programme worked with families where children were not attending school, young people were committing crime, families were involved in anti-social behaviour and adults were out of work.

In June 2013, the Government announced plans to expand the Troubled Families Programme for a further five years from 2015/16 and to reach up to an additional 400,000 families across England. £200 million has been committed to fund the first year of this proposed five year programme. This increased investment is testament to the government’s ongoing commitment to improve the lives of troubled families and as this work is taken to a significantly greater scale, to transform local public services and reduce costs for the long-term.

The new Troubled Families Programme will retain the first programme’s focus on families with multiple high cost problems and will continue to include families affected by poor school attendance, youth crime, anti-social behaviour and unemployment. However, it will also reach out to families with a broader range of problems. The inclusion of families into the programme will be based upon a cluster of six headline problem covering crime, education, domestic abuse, health, child safeguarding and financial exclusion agendas.

Robust information on the impact of the Troubled Families Programme is crucial for understanding families in all their complexity, measuring success, engaging partners, designing services, sustaining and driving service transformation, and making the case for continued investment (particularly in the context of reduced budgets). The new programme has an increased focus on service transformation. The National Impact Study (NIS) will directly support this by providing robust and regular reports on impact and cost benefit to each local authority. This will inform delivery and investment decisions locally and will be an essential part of the government’s continued investment in the programme.

Since the start of the Troubled Families Programme we have explored a number of ways to measure impact. In particular, over recent months, we’ve worked closely with the ‘early starter’ areas for the new programme to understand local barriers and needs. We have reflected on this learning and improved our approach to the
implementation of NIS. We have undertaken this development work with the advice and guidance of the Information Commissioner’s Office (ICO).

NIS will provide a quantitative assessment of the impact of your local delivery of the Troubled Families Programme, by matching personal data on individuals in troubled families against national administrative datasets. Information about the outcome changes in families who are supported as part of the programme will be compared with information about a comparison group of families with similar problems who have not been prioritised for inclusion (as per page 9 of the Financial Framework). NIS enables the production of objective outcome data for a large number of individuals across the country, in a cost-effective way that stands up to public scrutiny. These data will also be used to help produce your local cost benefit analysis as it will directly populate large parts of a new and improved cost savings calculator.

Sharing information

To participate in NIS, all local authority chief executives have been asked to sign up to the sharing of personal information about families assessed as eligible for the Troubled Families Programme. This information will be matched against national administrative datasets held by government departments and bodies (see list in in the ‘results’ section). Information will be processed by the Office for National Statistics (ONS) who are our appointed trusted third party data processor. A data sharing agreement between local authorities and DCLG will be drafted for this purpose in April/May ahead of the first data share in July.

The sharing of information for the National Impact Study is for evaluation purposes only - it will not be used for operational purposes. This document provides information regarding available legal powers and recommendations from the ICO with whom we have worked closely in developing the project.

The NIS process

The following diagram illustrates the NIS cycle:

1 ONS replace the National Institute for Economic & Social Research (NIESR) who were data processors in the first evaluation.
A high-level summary of the National Impact Study process is outlined below:

1. Local authorities will provide a file containing basic information about individuals in families assessed for the programme. This information will be sent securely to the Office of National Statistics (ONS) who will act as data processors. This file will include personal information (name, address, DOB), eligibility criteria met (which of the six headline problems in the Financial Framework) and the type of intervention provided (for a full list see Annex A).

2. ONS will process the information and facilitate the matching of the information provided by local authorities to national datasets.

3. ONS will build a linked and anonymised dataset ready for analysis by DCLG.

4. The anonymised file will be sent securely to DCLG who will analyse the anonymised data and produce an impact analysis report for each local authority.

5. Local aggregated analysis will be provided to local authorities via an new online data system.
Data Security

The Office of National Statistics (ONS) has been appointed as our ‘trusted third party data processors’ for this work. This means they will securely handle and process the data on behalf of DCLG as data controllers.

ONS is the executive office of the UK Statistics Authority, a central government department independent of ministers that reports directly to the UK Parliament and the devolved legislatures. The Authority’s objective is to promote and safeguard the production and publication of official statistics that serve the public good. They have very robust security arrangements for handling and linking the data. Full details of the security arrangements will be made available to inform the data sharing agreement we will draw up for this work, but below is a summary of security arrangements:

ONS have a state-of-the-art Statistical Research Environment (SRE), whereby the privacy and security of the data is a priority. The SRE is a secure data laboratory to securely transfer, store and process data. The methods of linkage that they have developed in this environment have been independently reviewed and provide excellent security while maintaining very good match rates. It was purpose built to Business Impact Level 5 (BIL5) (the highest level of security possible) for previous data matching projects. The SRE is physically isolated from all other systems to mitigate privacy-related risks associated with multiple administrative data sources. This will provide ONS with a full cleaning, anonymising and linkage service.

The security controls in place are:

• **Physical** – Secure Disk Drives are used for physical transfer. These are password protected devices and approved by CESG (the information security arm of GCHQ) for Government data transfer. The ONS Private Secure Network (PSN) is a secure network for the transfer of files, accredited by the CESG Pan Government Accreditation service [https://www.cesg.gov.uk/policyguidance/PGA/Pages/index.aspx](https://www.cesg.gov.uk/policyguidance/PGA/Pages/index.aspx). Devices containing data will be kept in a secure safe within the Statistical Research Environment.

• **Procedural** – All files in transit will be encrypted in accordance with CESG policy, and the policies of the owning department. Passwords will only be shared with nominated personnel (SRE Security Managers) by an appropriate secure method.

• **Personnel** – All operations carried out during data transfer and load are done by ONS Security Managers holding appropriate security clearance. All data flows into or out of the SRE require personnel from at least two teams. In addition to this there must always be two people present during the process and access to the server room within the SRE is even more tightly controlled, monitored and recorded.
• **Technical** – the computer that receives encrypted files from the PSN is physically disconnected from any ONS network – it only accesses the PSN.

The ONS’ Data Protection Registration/Notification Number is Z1404686. They keep the Information Commissioners Office fully informed on all the linkage work they undertake and have followed the development of their anonymisation code of practice: https://ico.org.uk/media/1061/anonymisation-code.pdf

In order to maintain privacy the linkage process within ONS involves putting all identifiers through a one way encryption or hashing process which converts each variable into a 32 character string, it is these pseudonymised variables that are then used in the linkage process.

**Legal Powers and Data Protection Considerations**

We have highlighted below the legal powers which may be used to share data for this project and outlined the ways to satisfy data protection considerations. We have also included information related to privacy notices based on advice we have received from the Information Commissioners Office (ICO).

**Legal gateways**

The legal powers available for information to be supplied and used for the purposes of the NIS include:

- A local authority participating in the study may rely on the implied statutory power provided by the general power of competence under section 1 of the Localism Act 2011. This gives local authorities the power to do anything that individuals generally may do. This power may be combined with the power in section 111 of the Local Government Act 1972, which allows local authorities to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of the functions of a local authority. Together these provide a legal basis for sharing.

- Furthermore, Ministers of the Crown have ordinary common law powers to do whatever a natural person may do. In this context the Secretary of State for DCLG is commissioning this research in exercise of its common law powers and, as outlined above and in the programme’s Financial Framework, NIS is an essential part of this.

- Finally, there are some express powers set out in statute, such as DWP’s specific powers allowing information to be shared for research purposes in specified circumstances.

**Data protection considerations**

In addition to the identification of a legal basis on which to share the data for NIS, the processing of the data, including its disclosure, must comply with the various data
protection principles contained in the Data Protection Act 1998. An important aspect of this is that personal data must be processed ‘fairly’ and ‘lawfully’. The data subject (the individuals in families in this case) must be provided with the relevant and necessary information to ensure they fully understand what is being done with their data and why (i.e. in the form of a privacy notice). The processing must also relate to a function that the local authority has a statutory power or duty to carry out.

For personal data to be processed ‘fairly’ and ‘lawfully’, it should also meet at least one of the conditions in Schedule 2 of the Data Protection Act. In the case of sensitive personal data (as with the NIS), at least one of the conditions in Schedule 3 of the Data Protection Act should also be met.

It is important to note that consent is not the only basis for sharing personal data under the Data Protection Act 1998. There are other conditions that can be used under schedules 2 and 3 if they apply. Local authorities could rely on the following conditions of the Data Protection Act for sharing this data with DCLG.

**Personal Data:**

- Data Protection Act, Schedule 2 condition 5(c) - “The processing is necessary… for the exercise of any functions of the Crown, a Minister of the Crown or a government department.” This condition covers the processing of personal data relating to functions carried out by DCLG and other government departments and offices (it is a departmental responsibility and priority to achieve significant and sustained progress with up to 400k troubled families and thereby evidence fiscal benefits).

- Data Protection Act, Schedule 2 condition 5(d) – “for the exercise of any other functions of a public nature exercised in the public interest by any person.” This condition is more broadly worded. This condition covers processing provided that it is in support of a public function that is in the public interest (in this case supporting families with multiple high cost problems families via the Troubled Families Programme)

**Sensitive Personal Data:**

As some sensitive personal data will be shared, one of the conditions in Schedule 3 must also be fulfilled. In the case of NIS the following condition may be relied upon:

- Data Protection Act, Schedule 3 condition 7 (1) (c) – The processing is necessary for the exercise of any functions of the Crown, a Minister of the Crown or a government department.
View of the Information Commissioners Office

The ICO have helped us in drafting this document by reviewing its content. They have also provided a view (Annex B) on the data protection implications to be mindful of.

Privacy notices

In relation to the requirement to process data ‘fairly’, we have followed ICO advice and recommend that it is sufficient for you to use privacy notices to ensure you meet your legal obligations regarding ‘fair’ process before sending the information to ONS as requested. These privacy notices should cover both the families prioritised for inclusion within the programme (as per page 9 of the Financial Framework) and those in the comparison group (families with a dependent child who meet two eligibility criteria but are not prioritised for inclusion).

In issuing a privacy notice, to the aim is to ensure that families have a fair and equal chance of seeing the notice and to minimise the stress and burden placed on them. We have undertaken work with local authorities, frontline keyworkers and families themselves to learn from their feedback and ensure the following advice achieves this.

The approach set out below follows the ICO’s “layered” approach to the provision of this kind of information (see the following link for the ICO guidance on privacy notices: https://ico.org.uk/media/for-organisations/documents/1610/privacy_notices_cop.pdf)

We therefore recommend issuing the privacy notice in two ways:

i. **Posters in local public places:** Some families do not have ready access to digital or electronic mediums and we need to ensure that the notice is accessible to these people. To achieve this, notices may be put up on the noticeboards of the local authority, GP, children’s centres and other local health centres, jobcentres and that of other relevant services. Posters can provide high-level information with more detail then available from keyworkers and/or electronically for those who want to find out more.

ii. **Electrically:** Notices may be placed on local authorities’ troubled families’ webpages (or similar). This is increasingly being used as a source of information for families wanting to know more about the programme.

Rather than creating a new or different privacy notice for the NIS, we recommend simply amending any existing privacy notices issued for your troubled families work. You could amend these to include some extra information about personal details being shared with DCLG for research purposes. The ICO has advised us that

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amending existing troubled families privacy notices is a straightforward way of meeting fair process with regards to NIS so long as individuals can fully understand from the notices what exactly is being done with their data and why.

In preparation for NIS in the new programme, the DCLG Troubled Families Team held focus groups with families regarding sharing their data for research purposes and the format of information for privacy notices. The ICO also reviewed some previous privacy notices used for NIS in the first programme and provided useful feedback.

The families we spoke to suggested that information should be simple, short, and jargon free, with the opportunity to find out more if they wanted to. They supported the sharing of personal information for research purposes, if it was clear that the results would be anonymised and that the information wouldn’t be used to affect them personally. Based on this learning, we have drafted an example of what a simple poster might include to be posted in places families have the chance to see them.
In terms of further information such as leaflets, or information on local authority websites, the following tips are based on advice we received from the ICO:

1) Use simple language. Privacy notices are written for families, not for organisations or the ICO. Avoid the use of terminology such as ‘data processor’ or ‘critical partners’ or ‘agencies’.

2) It is helpful to say something about what your local troubled families programme or approach is – what you’re trying to achieve.
3) The privacy notice needs to be clear about what the information has been collected for and what will be done with it as well as why (e.g. for the purposes of research).

4) The privacy notice should (clearly and simply) describe the data flow (who will the information be shared with and what will be done with it).

5) Practical examples are helpful in clarifying what happens but should be consistent with the information on data flow.

6) Explaining that the final data sets will not be shared back with the local authority is helpful as it clarifies that the data share will not affect the benefits or services families receive.

7) Including something that lets readers opt-out is good practice.

Results

The national datasets we plan to match against currently are set out below.

- The Police National Computer and Prisons Database (held by the Ministry of Justice).
- The National Pupil Database and Individualised Learner Record (held by the Department for Education).
- The Work and Pensions Longitudinal Study (held by the Department for Work and Pensions)
- Hospital Episodes Statistics, Mental Health Minimum Dataset, Improving Access to Psychological Therapies and Maternity and Children’s Data Set (held by the Health and Social Care Information Centre)
- National Drug Treatment Monitoring System (held by Public Health England)
- Crime Mapping Database (held by National Crime Agency).

Using these databases we will be able to analyse a wealth of information about the outcomes for families on the programme including offending, employment and benefit status, health problems and use of health services, school attendance and the safeguarding of children. The list of datasets would be updated and confirmed prior to matching. The diagram below illustrates the type of information generated by using basic information on individuals matched against national datasets:
Indicative timescales

Below is an indicative timeline highlighting when NIS and Family Progress Data (FPD) information would be required from local authorities and when LAs would receive reports back (including using the information to pre-populate local Cost Savings Calculators). The boxes in green indicate local authority activity regarding supplying data (and claims windows). We will update this timescale with more specific dates as we progress as well as issuing templates for completion.
**Next steps**

There are a number of steps needed to progress with NIS. These include:

1. Draft and agree Memorandums of Understanding with government departments involved in data sharing (based on existing agreements) [April/May 2015]
2. Work with ONS to organise data sharing arrangements with local authorities and government departments [April/May 2015]
3. Draft and agree data sharing agreements with Local Authorities (once data flows and security protocols for transfer, storage, access to and destruction of data have been agreed) [April/May 2015]

We will keep local authorities informed regarding the process above.
Q&A

1. Who will carry out the research and who will the data be shared with?

The data will be shared with ONS who are trusted 3rd party data processors for this work acting on behalf of DCLG as data controller. The analysis (of anonymised information) will be carried out by DCLG.

ONS will use the information provided by local authorities to match with information held by the Department for Work and Pensions, Department for Education, Ministry of Justice, the Health and Social Care Information Centre (HSCIC), and Public Health England.

To do this, ONS will send the personal data you provide onto the government departments listed above. The departments will then match this to their databases and send the matched information back to ONS. Once ONS receive the datasets from the departments, they pass on the anonymised information to DCLG for analysis.

2. Will we get the data back at a local level?

Yes. Our intention is to provide local authorities with aggregated results at local authority level. We will explore what the lowest geographical level this can be provided at (e.g. LA level, district level, ward level). This will depend on the volume of data provided: the bigger the sample, the lower level we are likely to be able to disaggregate results.

3. If the aim of the programme is local authority wide service transformation who are the comparison group?

There are two types of comparison we will make. Firstly there are those families who meet two eligibility criteria but are not in the cohort worked with in a way to meet the troubled families target. Of course, if service transformation covers the whole authority those families should still benefit from a whole family approach, but this still forms a useful comparison with those who are eligible and prioritised to be worked with in a troubled families way towards the troubled families target.

The second comparison is a time-based or ‘waiting-list’ one. That is to say comparisons are between families who have benefitted from intervention, with those who haven’t yet benefitted from intervention but will. To crudely characterise it: say you work with the Smith family in year one and you work with the Jones family in year 2. The comparison will be between the Smith family at the end of year 1 (when they’ve been worked with) and the Jones family at the same time (not yet worked with).
4. **We will be working with more families than we will claim for. Is this a problem?**

No. Please provide information for all families eligible you have prioritised for inclusion under the troubled families approach (see the Financial Framework for further detail). NIS is about looking at the impact of the new approach. We just need to know which families were eligible and worked with differently – whether they go on to claim is a separate issue.

5. **We only have some of the information you’ve asked for or for some of the individuals. Should I send what I have or do you need all the data for every family?**

The more information the better, but even if you don’t have all the information requested, it may still be possible to use the family details for some parts of the National Impact Study. Please send The Office of National Statistics (ONS) as much as you have. For example, if you have names, addresses and postcodes, but don’t have all the other information, this may still be useful.

6. **We don’t have consent from families to share personal details for research purposes. Can we still share the data?**

Consent is not the only basis for sharing personal data under the Data Protection Act 1998. As mentioned above, another basis is where processing is necessary for the exercise of any functions of the Crown, a Minister of the Crown or a government department.

In relation to the requirement to process data fairly, we have sought advice from the ICO. They have suggested the use of privacy notices, to ensure you meet your legal obligations regarding fair process before sending the information to ONS as requested. These privacy notices would cover both the participating families and those who were not prioritised for inclusion in the Troubled Families Programme.

7. **Do we have to issue a privacy notice?**

Yes please. In accordance with the Data Protection Principles, personal data should be processed fairly and lawfully. To be ‘fair’, information about the data sharing should be given to the people concerned (the families in his case). This is normally achieved by a privacy notice. This is particularly important as the information being shared is personal data. You would be able to add this element to existing privacy notices relating to the programme.
# Annex A – Information requested for NIS

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<thead>
<tr>
<th>Category</th>
<th>Information</th>
<th>Essential/Desirable</th>
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<tbody>
<tr>
<td><strong>Basic info</strong></td>
<td>LA unique individual identifier</td>
<td>Essential</td>
</tr>
<tr>
<td></td>
<td>Family unit identifier</td>
<td></td>
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<tr>
<td></td>
<td>Forename(s)</td>
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<tr>
<td></td>
<td>Surname</td>
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<tr>
<td></td>
<td>Date of Birth (dd/mm/yyyy)</td>
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<td></td>
<td>Gender</td>
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<td></td>
<td>Postcode</td>
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<tr>
<td></td>
<td>Relation in family</td>
<td></td>
</tr>
<tr>
<td><strong>Eligibility</strong></td>
<td>Date screened for eligibility</td>
<td>Essential</td>
</tr>
<tr>
<td></td>
<td>Criteria type met (from 6)</td>
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<tr>
<td><strong>Intervention</strong></td>
<td>Intervention or comparison group</td>
<td>Essential</td>
</tr>
<tr>
<td></td>
<td>Date started support</td>
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<td></td>
<td>Date stopped receiving support</td>
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<td></td>
<td>Intensity of support</td>
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<tr>
<td><strong>Unique identifier</strong></td>
<td>Unique pupil number (13-character)</td>
<td>Desirable</td>
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<td></td>
<td>NHS number (10-character)</td>
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Annex B

ICO view on the data protection implications of the National Impact Study (NIS) for the Troubled Families Programme.

“The ICO has been working closely with the Department of Communities and Local Government over the past few months in offering advice and recommendations in relation to NIS. This has been a welcome and constructive dialogue. The following are the most important data protection issues that need to be addressed:

1. It is important to note that the data sharing for NIS is different to the sharing of data for the delivery of the troubled families programme. This is because the NIS information is being shared for the purpose of evaluating the Troubled Families Programme. (However this would not prevent a local authority from updating its existing troubled families privacy notice to also include the processing for NIS)

2. It is the local authorities that are the data controllers for the personal data which DCLG wish to have for NIS.

3. Public authorities need to have a lawful basis on which to base their processing. Therefore local authorities will need to have an identified legal basis in order to share information with DCLG, this is usually in the form of an established statutory power or duty. DCLG has shared its suggested legal bases with the ICO.

4. Principle one of the Data Protection Act 1998 requires that information should be processed fairly and lawfully. This includes the requirement to satisfy a schedule 2 condition and in the case of sensitive personal data (such as health, criminal activity or ethnicity) a schedule 3 condition also. These also reflect the basis for processing the information such as to fulfil a statutory requirement or where an individual has provided consent. DCLG has shared its position on how these conditions may be satisfied with the ICO.

5. It is important to note that consent is not the only basis for sharing personal data under the Data Protection Act 1998. However, if you choose to rely on consent, it should be noted that even though the information being shared is collectively described as being about families, it is in fact individual personal data that is being shared. Therefore consent needs to be obtained from each individual within the family. It is not sufficient to just obtain consent from a family representative without sufficient certainty that other family members have considered the issue and their views are being accurately reflected.

6. It is important that individuals are provided with the relevant and necessary information to ensure they fully understand what is being done with their data and why. It is important that fair processing information is provided to all individuals that have personal data processed about them as part of the troubled families programme, including those individuals prioritised for inclusion, but also those in the comparison group (families who meet two eligibility criteria but not prioritised). DCLG has shared its guidance on the use of privacy notices with the ICO.

7. For local authorities to be able to communicate this fair processing information effectively to the individuals, it is essential that they have a clear understanding of the process and the data flows. DCLG should provide clear information regarding the process and data flows to aid this understanding.”