

Adult Social Care Services



Reading
Borough Council
Working better with you

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Financial Assessments and Benefits Data Privacy Notice

Financial Assessments and Benefits (FAB) Team

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Introduction

Under the Data Protection Act and General Data Protection Regulation the Council is required to protect any personal information we hold about you.

The Financial Assessments and Benefits Team (FAB Team) carries out personal financial assessments to see how much you could afford to pay towards adult care and support services.

A full financial assessment involves:

- collecting information about your financial situation
- processing that information within a set of rules (national Regulations and local Policy) to work out your assessed maximum weekly contribution towards adult care and support services (such as care and support at home and in the community, or in care home accommodation)

This Data Privacy Notice (also known as a Fair Processing Notice) tells you:

- What personal data we - the Financial Assessments and Benefits Team (or FAB Team) hold about you
- How we store the information
- The legal basis for collecting, using and storing the information
- How long we keep the information
- Who we share the information with and why
- How you can access the information
- What rights you have about the information

What personal data we hold about you

When and what type of financial assessment we have carried out for you (such as for care home accommodation, for a temporary stay in a care home, and/or for non-residential care and support).

- If a full financial assessment is NOT required, the reason for this.

For example: you have a full cost assessment because you have declined a full financial assessment; or you don't need a financial assessment because you are exempt from charges under a section of law.

- Detailed personal and financial information you have provided to us for the purpose of financial assessment for adult social care services and/or welfare benefits advice.

For example, information will include your name, address, date of birth. It may also include your National Insurance Number, how many children you are responsible for, whether you live with a partner, details of your income, details of your savings, investments and capital assets, details of your housing costs, and details of relevant expenses relating to a medical condition or disability.

If you asked us to carry out an affordability calculation with your partner as part of your financial assessment, and your partner consented, we hold the personal financial information they supplied as part of your financial assessment.

- Detailed information you have provided to us about a property you are offering as equity in support of an application for a Deferred Payment Agreement (DPA) with us.

For example, this might include the type of property, the value, ownership details (including details of people you own the property with jointly), information about mortgages or other loans secured on the property, leaseholders of the property,

insurance of the property, rental arrangements of the property, any other information about the property relevant to the DPA application.

- Detailed financial information you have provided to us for the purpose of assessing affordability of a top-up payment you would like to make for preferred accommodation for someone we are, or will be, making funding arrangements for.
- We may hold information we have obtained from the Department for Work and Pensions (DWP) about your welfare benefits for the purpose of completing and verifying your financial assessment for adult care services.

For example, this might include the type of benefit(s); the amount and frequency of payment; premiums and additional amounts included in your benefit calculation; other income and capital included in your benefit calculation.

- We may hold information we have obtained from an open Housing Benefit claim or Council Tax Support claim about your income, capital and housing costs, for the purpose of completing and verifying your full financial assessment for adult social care services.

For example, this might include the type of income you receive; the amount and frequency of payments you receive; premiums and additional amounts included in your benefit/support calculations; capital included in your benefit/support calculations; the weekly amount of your rent and your Housing Benefit, the weekly amount of your Council Tax liability and your Council Tax Support.

- Information obtained from Land Registry about a property you are offering as equity in support of an application for a Deferred Payment Agreement (DPA) with us.
- We may hold information we have obtained from Land Registry about a property you have (or recently had) a legal and beneficial interest in, to verify your full financial assessment.

How we store your information

Personal and financial information is recorded and stored securely on the Council's electronic social care record system called 'Mosaic'.

- ♦ 'Mosaic' is a secure and auditable system which has a number of functional areas and 'worksteps' where staff in each area can access the data that is essential to the performance of their duties.
- ♦ Detailed personal financial data is held within a 'financial assessment Form' in a 'financial assessment workstep' in Mosaic. The financial assessment Form can only be viewed, updated or amended by staff working in the Financial Assessments and Benefits Team.
- ♦ An electronic copy of financial assessment outcome letters, including a summary of the financial assessment data, is stored within the 'financial assessment workstep' in Mosaic which can only be viewed by staff working in the Financial Assessments and Benefits Team and adult social care worker roles who have been given access to the 'financial assessment workstep' to carry out their social care duties.
- ♦ Detailed property and ownership data relating to Applications for Deferred Payment Agreements and Interim Funding Arrangements is held within specific worksteps for the Application and Decision processes which can only be accessed by staff working in the Financial Assessments and Benefits Team and specific adult social care roles who require access to the data for their Adult Care duties.
- ♦ If a financial assessment takes place in your home, personal and financial information is recorded and stored securely within a Financial Assessment Form on the 'Mobile' offline application of Mosaic on the FAB Officer's portable computer equipment. Only that member of the FAB Team can access that form at that time, and only that Form can be accessed by the FAB Officer while offline.

- Personal and financial information recorded on portable computer equipment is password protected and encrypted. The computer equipment is only used in line with Reading Borough Council's ICT security policies.
- Written personal financial information (such as financial statements, financial application forms, disability-related expense forms) is scanned and uploaded to the secure 'Mosaic' electronic social care record system:
- Prior to scanning, any written personal financial information is stored in locked cupboards that only authorised Council staff have access to the area and only staff within the Financial Assessments and Benefits team have access to unlock the cupboards.
 - ♦ Documents are scanned using a secure password-protected printer/scanner within the Council's IT network, which only the person scanning can access the scanned document until it is uploaded onto the 'Mosaic' electronic social care record system.
 - ♦ Immediately after scanning, original written documents are securely disposed of through the Council's confidential waste facilities.
 - ♦ Scanned personal financial information is uploaded to the 'Mosaic' electronic social care record system within a 'finance information' area of the person's record that can only be viewed by a limited number of Council staff working on financial assessment and charging.
- All staff working in the FAB Team have satisfactory enhanced Disclosure and Barring Service (DBS) checks.

Legal basis for collecting, using and storing the information

- The Care Act 2014 gives the Council
 - ♦ the power to charge you for adult care and support services (section 14); and
 - ♦ the duty to carry out an assessment of your financial resources to work out those charges in order to comply with 'The Care and Support (Assessment of Resources) Regulations' issued under section 17 and section 125 of the Act.
 - ♦ the duty and power to enter into a Deferred Payment Agreement (DPA) if you meet certain criteria. A DPA is a way of deferring care home costs against the equity in your property, provided you can offer adequate financial security to the Council to secure against the deferred costs. 'The Care and Support (Deferred Payments) Regulations' (issued under section 34, section 35 and section 125 of The Care Act 2014) specify what we need to obtain from you to ensure we have adequate financial security.
- 'Social Security (Information-sharing in relation to welfare services etc) Regulations' issued under sections 30 and 31 of the Welfare Reform Act 2012 allow us to collect, use and store information held by the Department for Work and Pensions about your welfare benefits, for the purpose of completing financial assessments for adult social care services.

How long we store your personal data for

We keep your data relating to the management of financial assessments (or applications for financial assessments) for the duration that you receive services through adult social care and for 6 years after any outstanding care charges have been settled. This is a statutory requirement under HMRC.

Who we share your Personal Data with and why

1. Staff working within the Council's adult care service

Staff working in adult care services who have access to the 'Mosaic' electronic social care record system have access to some of this information depending on their specific job role:

- Adult social care workers and managers involved in identifying, planning and reviewing your care and support needs have access to read your financial assessment letters and applications for Deferred Payment agreements and Interim Funding arrangements.
- Adult social care personal budget support staff involved in calculating, invoicing and reconciling weekly charges for adult social care and support services have access to read your financial assessment letters
- Adult care performance data officers have access to financial assessment worksteps and deferred payment worksteps for performance monitoring purposes.

2. Council staff who support adult care service

- Staff who support adult social care services who have access to the 'Mosaic' electronic social care record system have access to some of this information depending on their specific job role:
 - ♦ Customer relations staff who deal with adult care complaints have access to read financial assessment letters and deferred payment letters for the purposes of understanding customer enquiries and complaints.
 - ♦ Finance and accountancy staff who support adult care service have access to view assessed maximum weekly contributions and weekly charges for the purpose of supporting adult care services with financial management and planning.
 - ♦ Income and assessment staff who deal with debt recovery for adult care services (for example, if you have overdue unpaid care charges) have access to 'Mosaic' to view assessed maximum weekly contributions, financial assessment worksteps, including financial assessment letters and financial assessment forms.
- The FAB Team may share information with the Council's social care solicitors if we require specific legal advice on documentation you have provided to us during your financial assessment - for the purpose of ensuring your financial assessment complies to Care Act Regulations.

3. Staff working within other Council services:

- Legal services for the purpose of debt recovery procedures, if this applies to you.

For example, if you have overdue unpaid care charges that Adult care service wish to recover from you, we will share your financial assessment letters, details of unpaid invoices, any other letters relevant to the care charges, and details of any financial representatives who act or have acted on your behalf, with legal services officers who deal with debt recovery.
- Legal services for the purpose of administering the Council's Deferred Payment Agreements Scheme, if this applies to you.

For example, to advise on property ownership or restrictions relating to an application from you for a Deferred Payment Agreement or Interim Funding Arrangement; to liaise with your solicitor in respect of a property sale that relates to a Deferred Payment Agreement or application for you, or an Interim Funding Arrangement or application for you. Or relating to maintaining or terminating a Deferred Payment Agreement you have with us.
- We may share information with legal services for the purpose of obtaining advice on documentation you provide to us as part of your financial assessment.

For example, legal documentation relating to a property that is recorded within your financial assessment.

- The FAB Team may share specific information with the Council departments listed below, in line with 'Social Security (Information-sharing in relation to welfare services etc) Regulations' issued under the Welfare Reform Act 2012, where that information is relevant to that department and where sharing that information promotes better performance and efficiency of Council services:
 - ♦ Housing Benefit (if there is an open Housing Benefit claim that relates to you) - for the purpose of checking you receive your full Housing Benefit entitlement, or notifying relevant changes of circumstances where we know of these (for example if we were aware you had moved into a care home)
 - ♦ Council Tax - for the purpose of checking you receive your full Council Tax Support entitlements, or notifying relevant changes of circumstances where we know of these (for example if we were aware you'd moved into a care home, or where you may qualify for a Council Tax discount)
 - ♦ Officers dealing with a Disabled Facilities Grant (DFG) application from you (for example if a Grants Officer requests specific information about your financial situation to support your DFG application and we hold that relevant information for your current social care financial assessment).

4. With the Department for Work and Pensions (DWP)

The FAB Team may share your information with the Department for Work and Pensions (DWP) in the following situations:

- If we have information about you that is relevant to share with the DWP, as set out in legal regulations called 'Social Security (Information -sharing in relation to welfare services etc) Regulations 2012'. These are regulations issued under sections 30 and 31 of the Welfare Reform Act 2012, and the regulations state examples of where Councils may share information with the DWP.

For example, if the Council helps fund your care home placement, we may pass on information to the Department for Work and Pensions about the date you moved in (and/or out) of the care home, and whether you have an arrangement to pay the full cost of the care home fees to the Council.
- You have (or your DWP-Appointed Representative has) **given us consent** to refer you to the DWP Visiting Service to request a home visit from a DWP officer to help you with a DWP benefit claim or to help you set up an 'Appointee' for your DWP benefits or state pension.
 - ♦ **Your consent** may be given to us verbally from you and recorded on our secure electronic record system 'Mosaic'. Or you may sign a two-way 'Customer Consent Form' and give that to us, to authorise both Reading Borough Council's FAB team and Department for Work and Pensions to share your information between us in order to progress a welfare benefit and/or Pension Credit claim and/or an adult care financial assessment. The Customer Consent Form is scanned and stored electronically and securely on our 'Mosaic' system. The paper form is destroyed confidentially and securely. **You can withdraw your consent at any time by contacting us** (the FAB team).
 - ♦ Referral to DWP: we send your request for a DWP home visit by secure email (via the Government Connect Secure Exchange) to a specific DWP email address for the local Visiting Service. The referral includes your name, address, national insurance number, date of birth, details of the DWP benefit(s) you need support to claim and/or details of the person you've asked to be present when the DWP Officer visits, any specific health and safety instructions for the DWP Visiting Officer and any specific accessibility or communication support you require.

- You have (or your DWP-Appointed Representative has) given us consent to share relevant personal information to support a benefit application
 - ♦ **Your consent:** may be given by completing a two-way 'Customer Consent Form' to consent to Reading Borough Council's FAB team AND the Department for Work and Pensions to share information between our two organisations that is relevant to your benefit application to support you with the progress of that claim. Your Customer Consent Form is scanned and stored electronically and securely on our 'Mosaic' system and the original paper copy of the form is either posted with your benefit application to the relevant DWP benefit office, or is destroyed confidentially and securely. We may email your electronic Customer Consent Form to the DWP department that is processing your benefit application (via the Government Connect Secure Exchange) if we need to follow up on the progress of the claim on your behalf. **You can withdraw your consent at any time by contacting us** (the FAB team) or the relevant DWP benefit office.

5. With Organisations or individuals outside of Reading Borough Council

The FAB Team will not share your personal financial information with an external organisation or individual unless:

- you give us consent to do this for a specific purpose and to a specific organisation or individual; or
- the organisation or individual is legally appointed to deal with your financial affairs; or
- we have a legal duty to share the information through the National Fraud Initiative; or
- where it is required as part of a Safeguarding Procedure.

We will not send personal or financial information via email unless it is through the Council's Secure email system. The Council currently uses the Global Certs Secure email system for sending emails securely to non-government organisations or individuals.

6. To prevent and detect fraud (under the National Fraud Initiative)

We will share information with those we are legally required to share information with through the National Fraud Initiative . You can find more information about this at:

www.gov.uk/guidance/taking-part-in-national-fraud-initiative#privacy-notice-and-current-data-protection-legislation-applicable-in-the-uk

7. How you can access the information we hold about you

You have the right to ask for information we hold about you. This is called a Subject Access Request. You can find more information about this and make a Subject Access Request at: www.reading.gov.uk/dataprotection

What rights you have about the information we store

You have the right to have your data corrected if it is inaccurate – please contact us.

If you have given us consent to share your information with an individual or organisation outside of the Council for a specific purpose, you have the right to withdraw that consent at any time – please contact us.

You may have the right to have your personal financial assessment information deleted – for example if you decide you no longer wish to be financially-assessed for adult care service - but only if the personal financial assessment information has not been applied to your adult care/support service.

If it has been applied to adult care/support services, we are required to store your financial assessment information for 6 years from the date you settled care charges that the financial assessment related to.

We may not be able to delete your personal data if it is needed for legal reasons, for reasons of public health, public interest or for medical purposes.

If we have shared your personal information with others, we will do what we can to make sure those using your personal information comply with your request for erasure.

If you think we have mishandled your personal information please contact us: online: www.reading.gov.uk/complaints or telephone: 0118 937 2905 or write to: Freepost RTLS–CKGX–RKLL, Reading Borough Council, Customer Relations Team, Civic Offices, Bridge Street, Reading RG1 2LU

You have the right to put a complaint to the Information Commissioner's Office (ICO) - see www.ico.org.uk or call ICO's helpline on 0303 123 1113.

Automated Individual decision making

We do not make automated decisions.