



“Troubled Families” Programme

Guidance Note: Data Sharing between the Police Service and Local Authority

1. Policy Statements and Purpose of this guidance

In December 2010, the Prime Minister announced his commitment to turn around the lives of 120,000 troubled families by the end of this Parliament. These are families who both have serious problems and often cause serious problems for others within our communities.

The Troubled Families programme is underway and already seeing results within families; reducing crime and anti-social behaviour, getting adults on the path to work, and children back into school. To be eligible for this programme, families are identified against national criteria, which are provided in Appendix ‘A’.

The programme builds on research which shows that intensive intervention to support and challenge troubled families is effective in turning their lives around. This ‘family intervention’ approach involves appointing a single family worker to get to grips with the whole family and their problems, and work intensively and assertively with them to change their lives for the better – and for the long term.

The Police Service is not only a key partner in helping to deliver this programme but will also benefit from its success. Each troubled family costs services on average £75,000 per year, for example in A&E admissions and police call outs. Turning around a family successfully means reducing costs for a range of public services.

2. Legal Basis for Information Exchange

Section 115(1) of the Crime and Disorder Act 1998 provides a legal gateway for the sharing of personal data to facilitate multi-agency strategies such as the Troubled Families programme. In this particular instance, the application of Section 115 has been endorsed by the Home Office, ACPO and the Information Commissioner’s Office.

Whilst enabling the sharing¹ of personal data, the Act only provides a power to do so and therefore, it is the responsibility of the Chief Officer to ensure that disclosures comply with the provisions and requirements of both the Data Protection and Human Rights Acts.

For the purpose of this guidance note it is assumed that where requested, appropriately depersonalised or statistical data will be freely shared between the relevant agencies.

3. Sharing of Personal Data

3.1 What data is it necessary to exchange and what may it be used for?

The national criteria set out in the Financial Framework for the Troubled Families programme² mean that to be eligible for the Troubled Families Programme, families are likely to have been involved in crime and anti-social behaviour. For a variety of reasons the level of personal data required to identify families for potential inclusion into the programme may vary but, as a guide, it is expected that the following will be sought from the police:

- under 18-years-old with a proven offence in the last 12 months
- households known to the police for persistent anti-social behaviour

The data disclosed must be proportionate and the minimum amount necessary to achieve the purpose.

Care should be taken to ensure that the details of victims, witnesses or complainants are not disclosed under this programme.

As the programme develops, it will be necessary for local authorities to plot the progress of those families engaged in the programme and, therefore, at appropriate intervals, the Police Service is likely to be asked to provide up-dated information concerning police involvement with these families.

Any personal data shared by the Police Service for this programme may only be used for that purpose unless otherwise specifically agreed with the relevant Chief Officer.

3.2 Who is going to be responsible for exchanging this data and ensuring data accuracy?

Each organisation is responsible for ensuring the integrity and accuracy of its data before disclosing.

It is not practical or desirable to dictate how the disclosure process will work at a local level. However, good practice indicates that the most productive and legally compliant route is through an open dialogue between agencies where professional decisions can be taken around the inclusion of specific individuals based on the knowledge and experience of those involved.

¹ For the purpose of this guidance, the terms "Sharing" and "Disclosure" have the same meaning.

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11469/2117840.pdf

3.3 Keeping a record of what information has been exchanged?

It is the responsibility of each agency to maintain an audit trail of all disclosures of personal data made under this programme. As the data disclosed may lead to legal proceedings being taken against an individual by one or more of the agencies concerned, it is important to be able to demonstrate, if challenged, that each disclosure was made in accordance with the law and any relevant organisational policy.

3.4 How is this information going to be exchanged?

To maximise the benefits of this programme there is a need for close partnership working from the very beginning. Each upper tier authority has a Troubled Families Coordinator (TFC) who is responsible for bringing together local agencies (e.g. police, Jobcentre Plus, health organisations, schools) to help identify and work with the troubled families. Local situations will inevitably vary which will mean the approach to how data will be shared may vary in practice.

At the start of the programme, all Local Authorities agreed the numbers of troubled families who they would work with over the three years of the programme. Many of these families will already be well-known to agencies so we are not starting from a blank sheet of paper. Each agency should be involved in identifying and putting forward names they consider meet the relevant criteria during the life of the programme.

This approach to gathering information will enable the police and all other public bodies involved to meet the core requirements of the Data Protection and Human Rights Acts, such as proportionality and relevancy i.e. decisions made on a case by case basis. By this, it does not mean that only one case may be considered and transferred at a time. It simply means that, as part of a group of data (for e.g. 200 cases), there has been some judgement taken with the names being transferred which will help to minimise information being shared of individuals that will not end up forming part of the programme.

It is important that there is a dialogue between the TFC and relevant local agencies/partners throughout the process so that decisions are made as to what information is being shared, rather than supplying excessive lists of names as part of an IT data matching exercise.

As the programme moves forward, positive partnership engagement will continue to be an important feature as the various interventions are measured and assessed for success.

3.5 Timescales

Although the programme will conclude in May 2015 it is envisaged that work will continue in this area. By this stage, it should be embedded as 'business as usual'.

3.6 How securely does the data need to be handled and stored?

The disclosure and handling of personal data should be in accordance with its marking under the Government Protective Marking Scheme and with the broader requirements of the Data Protection Act. It is not anticipated that personal data protectively marked above 'RESTRICTED' will be disclosed under this programme.

All agencies involved must ensure that a baseline level of security is in place for all its processes (collection, use, retention and disposal) to ensure compliance with Principle 7 of the Data Protection Act and be compatible with ISO 27001, albeit agencies do not necessarily have to be accredited to this standard

3.7 Retention and disposal of personal data

Any Personal Data shared for this purpose should only be retained for as long as necessary to achieve the aims of the programme.

Troubled Families Criteria

Three of these four criteria must be met in order for a family to be eligible for support under this programme:

NATIONAL CRITERIA	1. Crime and Anti-Social Behaviour	<p>Identify households where there is:</p> <ul style="list-style-type: none"> • 1+ under 18-year-olds with a proven offence in the last 12 months¹; and / or • 1+ members subject to an anti-social behaviour order, anti-social behaviour injunction, anti-social behaviour contract or housing-related anti-social behaviour intervention (or other comparable measures or interventions²) in the last 12 months.
	2. Education	<p>Identify households where a child:</p> <ul style="list-style-type: none"> • Has been subject to permanent exclusion or 3+ fixed school exclusions across the last 3 consecutive terms; • Is in a Pupil Referral Unit or alternative provision because they have previously excluded; • Is not on the school roll; or • Has had 15% or more unauthorised absences from school across the last 3 consecutive terms.
	3. Work	<p>Identify households which have an adult on out of work benefits.</p>
	4. Local Discretion	<p>It is up to the local authority and its partners to the range of issues that they would like to prioritise in order to identify their troubled families. These could include</p> <ul style="list-style-type: none"> • Emotional and mental health problems • Drug and alcohol misuse • Long term health conditions • Health problem caused by domestic abuse • Under 18 conception <p>The selected factor should be high cost issues.</p>

¹ For the purposes of this programme, a 'proven offence' is any offence which receives a formal out of court or court disposal. This includes custody, fines, community sentences, reprimands, warnings, cautions and Penalty Notices for Disorder.

Informal disposals, such as restorative justice which are not recorded on PNC, are not included because these would require consent from the relevant individuals. Assurances would have been provided by the police at the time the information was captured that this would not be recorded onto the PNC and therefore not shared further.

Formal reprimands and warnings are being replaced with effect from 1st April 2013 with youth cautions and conditional youth cautions.

² Such as a Notice of Seeking Possession on anti-social behaviour grounds, a housing related injunction, a demotion order, eviction from social housing on anti-social behaviour grounds. This is not an exhaustive list when identifying families for inclusion on the programme. We do not want to miss families involved in anti-social behaviour simply because those particular interventions are not

used or systematically recorded in your area. In order to ensure that you are able to include families who are involved in anti-social behaviour, you should use comparable measures or interventions according to your local approach to anti-social behaviour. This may involve working with, and drawing on the information of, a range of local partners including police, landlords and council colleagues to make sure you find families of concern.

For the demonstration of the result, it will be important to select measures for which you will be able to evidence progress within your internal audit arrangements. Whichever local measures you choose, you should be happy that this would stand up to public scrutiny.