

## Notice of Meeting

### Executive – Advisory Meeting

Councillor Bettison OBE (Chairman),  
Councillor Dr Barnard (Vice-Chairman),  
Councillors D Birch, Brunel-Walker, Harrison, Mrs Hayes MBE,  
Heydon and Turrell

**Tuesday 31 August 2021, 5.00 pm**

**Online Only - Via MST**



### Agenda

*Recommendations arising from this meeting will be considered in accordance with the delegations approved by Council on 28 April 2021.*

Item	Description	Page
1.	<b>Apologies</b>	
2.	<b>Declarations of Interest</b>	
	<p>Members are asked to declare any Disclosable Pecuniary or Affected Interests in respect of any matter to be considered at this meeting.</p> <p>Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.</p> <p>Any Member with an Affected Interest in a matter must disclose the interest to the meeting. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting.</p>	
3.	<b>Minutes</b>	5 - 6
	To consider and approve the minutes of the meeting of the Executive held on 20 July 2021.	
4.	<b>Urgent Items of Business</b>	
	Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.	

### Executive Key Decisions

The items listed below all relate to Key Executive decisions, unless stated otherwise below.

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## **Exclusion of the Press and Public**

Agenda items 5 and 6 are supported by annexes containing exempt information as defined in Schedule 12A of the Local Government Act 1972. If the Committee wishes to discuss the content of these annexes in detail, it may choose to move the following resolution:

*That pursuant to Regulation 4 of the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2012 and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of item 5/6 which involves the likely disclosure of exempt information under the following category of Schedule 12A of the Local Government Act 1972:*

- (3) *Information relating to the financial or business affairs of any particular person (including the authority holding that information).*

5.	<b>Land at Coopers Hill</b>	7 - 32
	To recommend the appropriation of land at Coopers Hill for planning purposes and the engagement of statutory provisions which permit a local authority to override easements and other rights in land that has been appropriated for planning purposes. <b>Reporting:</b> Sarah Holman	
6.	<b>Home Care Support Framework Tender</b>	33 - 96
	To approve the Strategic Procurement Plan to tender for a Home Care Support service framework. <b>Reporting:</b> Thom Wilson	
7.	<b>Exclusion of Public and Press</b>	
	To consider the following motion:  That pursuant to Regulation 4 of the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2012 and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of item 8 which involves the likely disclosure of exempt information under the following category of Schedule 12A of the Local Government Act 1972:  (3) Information relating to the financial or business affairs of any particular person (including the authority holding that information).  <i>NB: No representations were received in response to the 28 day notice of a private meeting.</i>	
8.	<b>Section 75 Agreement – Arrangements for 2021/22 and onwards</b>	97 - 104
	To approve the recommended Section 75 Arrangements for 2021/22 and onwards. <b>Reporting:</b> Thom Wilson	

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Published: 20 August 2021

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**EXECUTIVE  
20 JULY 2021  
5.00 - 5.26 PM**

**Present:**

Councillors Bettison OBE (Chairman), Dr Barnard (Vice-Chairman), Brunel-Walker, Harrison, Mrs Hayes MBE, Heydon and Turrell

**Apologies for absence were received from:**

Councillor D Birch

**165. Declarations of Interest**

There were no declarations of interest.

**166. Minutes**

**RESOLVED** that the minutes of the meeting of the Executive on 1 June 2021 be confirmed as a correct record and signed by the Leader.

**167. Urgent Items of Business**

There were no urgent items of business, but item 7 had been deferred.

**Executive Decisions**

The Executive discussed the following items in an advisory capacity and made the following recommendations to the appropriate executive members who were to make the formal decisions under the powers delegated to them by the Leader:

**168. Capital Expenditure Outturn 2020/21**

**RECOMMENDED** to the Executive Member for Transformation & Finance that:

- 1 The outturn capital expenditure be noted.
- 2 The carry forward of £25.007m from the 2020/21 capital programme to 2021/22 be approved.
- 3 That the financing of capital expenditure be noted.

**169. Revenue Expenditure Outturn 2020/21**

**RECOMMENDED** to the Executive Member for Transformation & Finance that:

- 1 The outturn expenditure for 2020/21, subject to audit, of £87.592m, which represents an under spend of £3.615m compared with the approved budget be noted.
- 2 The budget carry forwards of £0.193m be approved.

- 3 Council be invited to note the Treasury Management performance in 202/21.
- 4 The earmarked reserves be noted.
- 5 The virements relating to the 2020/21 budget be approved.

170. **Car Parking Infrastructure Switch Out Project - Multi Storey Car Parks Infrastructure**

The Executive was advised that this item had been deferred.

171. **Exclusion of Public and Press**

**RESOLVED** that pursuant to Regulation 21 of the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2000, members of the public and press be excluded from the meeting for the consideration of item 9 which involves the likely disclosure of exempt information under the following category of Schedule 12A of the Local Government Act 1972:

- (3) Information relating to the financial or business affairs of any particular person (including the authority).

172. **Lateral Flow - Contract Matters**

**RECOMMENDED** to the Executive Member for Adult Services, Health & Housing that:

- 1 The proposed spend of £1.35 million (including a contingency of 20%) for the next phase of the Lateral Flow Test project be approved.
- 2 A further Contract Standing Order waiver be approved in order to continue delivering community lateral flow testing in Bracknell Forest.
- 3 That the current contractual arrangements with Solutions 4 Health be extended from 29 July 2021 until 31 March 2022.

**CHAIRMAN**

To: **EXECUTIVE**  
**31<sup>th</sup> August 2021**

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## **TOWN CENTRE REGENERATION**

### **Director of Resources**

#### **1 Purpose of Report**

- 1.1 In December 2020 the Council entered into a joint venture agreement with Countryside Properties (UK) Ltd forming Bracknell Forest Cambrium Partnership to redevelop a number of areas within the Town Centre.
- 1.2 Bracknell Forest Cambrium Partnership submitted a planning application (Reference 21/00233/FUL ) ("The Planning Application") which was considered by the Planning Committee on 19th August 2021, which concerns the regeneration and redevelopment of an area of land at Coopers Hill ( "The Property") and comprises 52 new family homes, including 25% affordable homes.
- 1.3 It was resolved that planning permission be granted (subject to the completion of an Agreement to secure relevant planning obligations) pursuant to the Planning Application on 19<sup>th</sup> August 2021 21/00233/FUL ("the Planning Permission"), and thus in order to facilitate the implementation of the Planning Permission, this report seeks the approval of the Executive for Bracknell Forest Borough Council to confirm its decision to appropriate the Property for planning purposes in accordance with Section 122 Local Government Act 1972, that certain property rights and interests affecting the Property such as easements and restrictive covenants will be overridden pursuant to Section 203 of the Housing and Planning Act 2016 once the Planning Permission is implemented and that statutory compensation may be agreed with any affected parties and all appropriate legal documentation completed in relation thereto.

#### **2 Recommendations**

- 2.1 To confirm the appropriation of the land at Coopers Hill edged red on the plan attached as exempt Annex B for planning purposes under Section 122(1) of the Local Government Act 1972 and to delegate all matters arising therefrom to the Borough Solicitor;
- 2.2 To note that the Property will be redeveloped pursuant to the Planning Permission or any variations to it or new planning permissions in respect of the Property) and that the provisions of s203-s206 of the Housing and Planning Act 2016 will apply to override rights, easements and covenants in favour of neighbouring and nearby properties that could be infringed by the development;
- 2.3 To give delegated authority to the Assistant Director; Property Services in consultation with the Borough Solicitor and the Executive Director: Resources to agree the settlement and documentation of any statutory claims with owners and occupiers of the neighbouring properties, together with any associated fees; to document any associated agreements, deeds of release etc that may be required and to note that the cost of the proposed settlement of compensation payments and associated fees affected by this scheme will be met by the the partnership (Bracknell Forest Cambrium Partnership, pursuant to the existing development agreements).

### **3 Reasons for Recommendations**

- 3.1** Without the exercise of the Council's appropriation powers, parties who are affected by the diminution of their rights to light or other easements being affected have the ability to bring injunction proceedings to prevent the development of the Property. This could potentially halt the project and would result in a delay to the delivery of the development.
- 3.2** As the Property is appropriated for planning purposes and the development of the Property will be in accordance with the Planning Permission section 203 Housing and Planning Act 2016 can be invoked to override existing rights without the possibility of injunctive legal proceedings potentially preventing development.
- 3.3** Pursuant to section 204, all affected parties with rights which are overridden are resolved by payment of statutory compensation.
- 3.4** The Council has made contact with all potentially affected parties by way of letter to inform them that the Council is to appropriate the Property for planning purposes; and in addition the Council has placed notices of intent to appropriate at key sites around the Coopers Hill site. . A list of the potentially affected parties and a detailed breakdown of their interest and potential compensatory figure can be found in the exempt Annex A1 and A2. If a claim is made and if agreement on compensation payment is not reached with any party, the matter can be referred to the Upper Tribunal for determination. The Council has asked for potentially affected parties to contact the Council to advise of their potential claim by 24<sup>th</sup> August 2021.
- 3.5** **It was resolved to grant** Planning Permission subject to completion of an Agreement to secure relevant planning obligations on 19<sup>th</sup> August 2021. Appropriation for planning purposes is considered to be beneficial to unhinder the process of development by injunction. Appropriation is a useful tool generally for development as it provides protection against both known and unknown restrictions (the "unknown unknowns"). Appropriation of the Site as provided for under Section 122 of the Local Government Act 1972, permits the Council to engage Sections 203 and 204 of the Housing and Planning Act 2016 once there is planning consent in place, the effect of which is to prevent injunctions from being sought in respect of infringements of rights to light any other easements and rights. This power to override rights extends not only to the local authority, but also to any person deriving title under them following a disposal. This approach therefore prevents an injunction being issued by benefitting neighbouring or nearby landowners, which might delay or obstruct development. Neighbouring landowners instead have a right to compensation, in accordance with the terms of the Housing and Planning Act 2016 when the development is carried out and the relevant right is infringed.
- 3.6** The restrictive covenant on the Property contained within a conveyance dated 26<sup>th</sup> August 1958 and made between (1) Bracknell Development Corporation and (2) The County Council of The Administrative County of Berkshire ("the Restrictive Covenant") is being dealt with in a parallel process as regards the interest of Homes England. The Council has been in correspondence with Homes England who are the statutory successors to the original beneficiary of the Restrictive Covenant and a deed of release in respect of the Restrictive Covenant has been agreed between the Council and Homes England. The appropriation powers will not therefore be engaged in respect of Homes England's interest, although the powers will be so engaged for any other potential beneficiaries of the Restrictive Covenant.



#### **4 Alternative Options Considered**

- 4.1 The Executive could decide not to endorse the recommendations made in this report. This would mean that the Council may need to develop an alternative approach to development of the Property. The Business Case that informed the Executive's decision to progress a Joint Venture partnership in February 2019 indicated that alternative approaches would be less likely to deliver the agreed objectives.
- 4.2 Not to proceed with the exercise of the Council's rights of Appropriation at the Property, which may lead to delays in the development due to potential injunctions which may be brought by the possible beneficiaries of any rights or covenants

#### **5 Supporting Information**

- 5.1 It was resolved to grant a Planning Permission subject to the completion of an Agreement to secure relevant planning obligations on 19<sup>th</sup> August 2021 and through the planning process, the Council has engaged and consulted a wide range of consultees upon the potential impact of development through a comprehensive pre planning engagement. The development proposal of 52 units comprising of houses and low level flats has been subject to a range of public awareness and engagement exercises, including public engagement prior to the submission of the application to the local planning authority. Public engagement has taken place using a number of means, including: c2300 newsletters to residents, social media and hard print advertising, c60 letters directly to neighbours in adjacent properties. The partnership also held 2 public webinars and 4 meetings with other stakeholders.
- 5.2 Comments received through any of the public engagement approaches were considered as part of the project group and updated proposals were submitted to the local planning authority.
- 5.3 Relevant planning matters have been largely dealt with and overcome through the planning application process. A small number of objections were received to the scheme, several of which were from direct neighbours to the site. All of these planning related objections are expected to be resolved through the formal planning process and there should be no technical objections outstanding.
- 5.4 Objections received by the planning application included;
- Ecology – loss of trees
  - Highways issues – parking, increased traffic, pedestrian access
  - Overdevelopment of site
  - Overlooking
- Pre-planning discussions with the planning authority had been ongoing throughout the planning process and any consultee concerns have been addressed through minor amendments to the scheme. A Planning Statement provides a detailed assessment of the proposals for the redevelopment of the Property in relation to national, strategic and local planning policy and other material considerations and was included in the Planning Application and concluded that planning permission should be granted, considering the statutory development plan and any other material considerations..
- 5.5 The Council considered the Planning Application as Local Planning Authority and granted Planning Permission subject to completion of an Agreement to secure

relevant planning obligations at its advisory meeting on 19th August 2021, which was then formally ratified in line with the Council's temporary delegation protocols introduced while face to face meetings cannot be undertaken due to Covid restrictions. There is no reason to think that planning permission will not now be granted relatively soon. Any challenge needs to be brought by Judicial Review which must be commenced within 6 weeks from the date of the grant of Planning Permission (which will be post completion of the planning obligations Agreement) Furthermore, the resolution to grant the Planning Permission subject to completion of the Agreement provided strong support that the development will be of benefit to the public (covered further below), which may be relevant to the question for a court as to whether or not to grant an injunction, but is by no means conclusive in light of current case law. Significant uncertainty therefore leads officers to consider that removing the risk of injunction is important in order to ensure delivery of the scheme and its wider social benefits.

## **5.6 Council's Statutory Powers**

- a) Section 122 Local Government Act 1972 allows a Council to appropriate land for planning purposes, but only where it is no longer required for the purpose for which it is held immediately before the appropriation; and ii) the Council could in principle acquire the land for the 'new' purpose. To note S122 considerations are the precursor to S203 Housing and Planning Act 2016.
- b) In respect of the first of these requirements, when contemplating appropriation, a local authority must give specific consideration to the question of whether the land continues to be required for its existing purpose and in doing so, it must consider the comparative needs in the public interest for the existing use and the proposed new use. It is not necessary that the land should be surplus or unused.
- c) In respect of the second requirement for the application of section 122, in this case the new purposes are planning purposes. The Council has power to acquire land by agreement for planning purposes under section 227 of the Town and Country Planning Act 1990 to facilitate redevelopment if it is satisfied that the redevelopment would contribute to the achievement of the promotion of economic, social and/or environmental well-being of its area. The well-being benefits of the redevelopment are described in 5.17.
- d) Statute provides local planning authorities with a variety of powers to promote and facilitate development in their area, and central government encourages proactive use of these powers to facilitate regeneration and development
- e) S122 Local Government Act 1972 permits a principal council to appropriate for any purpose for which the council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the council and is no longer required for the purpose for which it is held immediately before the appropriation; but the appropriation of land by a council by virtue of this subsection shall be subject to the rights of other persons in, over or in respect of the land concerned,
- f) S.203 of the Housing and Planning Act 2016 provides that where a Council acquires or appropriates land for planning purposes, easements and third-party rights may be overridden for the purposes of development of the land which is carried out in accordance with a planning permission. The easement or third-party are effectively converted from an injunctable property right into an

entitlement to statutory compensation. This therefore permits the proposed development to proceed.

- g) Once appropriation has been undertaken by the Council, it can override third party rights in the land by virtue of S203 Housing and Planning Act 2016 and both the Council and any party deriving title to the land from the Council, such as successors, tenants and mortgagees benefit therefrom once a Planning Permission is granted.
- h) The third-party owner of a property right or easement is entitled to statutory compensation under S204 Housing and Planning Act 2016 which is calculated as the reduction, or diminution, of market value of their benefitting property due to the overriding of their interest. Although [s.204](#) does not explicitly fix a valuation date it appears likely to be the date (following appropriation and the grant of planning permission) when the statutory override of rights is triggered, i.e. when the works are carried out or the new use begins. Specialist valuation advice should always be sought, and should consider the nature of the interference, as any interference with the Human Rights of third parties must be justified in the public interest and proportionate, and the Council has indeed sought such advice, from Avison Young.

## 5.7 Considerations

The powers contained within the two aforementioned Acts are very useful in allowing beneficial development and regeneration to proceed, but it is recognised that use of the powers will have an impact on the private rights of third parties. It is therefore necessary to ensure that proper consideration and justification is undertaken prior to the decision to appropriate the land and to override third party rights. As part of this, the Council needs to consider a number of matters and to comply with best practice and government guidance. The following considerations have been reviewed in respect of the proposed appropriation of Coopers Hill.

### **a) Is the use of powers required?**

The use of the powers is required to ensure that any overriding third party interests are satisfactorily dealt with. The Council has reached an agreement regarding release of the Restrictive Covenant. The Council has also reached agreement with all the other parties who have occupational interests in the Property by the re provision of facilities elsewhere that are equally commodious, or alternatively the Council has used its landlord and tenant powers to ensure vacant possession, and subsequently is providing assistance in relocating the displaced occupants.

### **b) Will the use of powers facilitate carrying out of development?**

The use of these powers will facilitate the carrying out of the planned development of the Property via the Bracknell Forest Cambium Joint Venture Partnership with Countryside Properties. This will provide new family homes, including affordable homes, supporting the council vision for regeneration of Bracknell Town centre.

### **c) Will the use of these powers deliver economic, social or environmental wellbeing benefits?**

The MHCLG 2019 guidance on use of compulsory purchase and the Crichel Down rules provides useful guidance. Officers are satisfied that the use of these powers will deliver economic, social or environmental wellbeing benefits as set out in para 5.9 below.

**d) Is it possible to achieve the benefits without infringement?**

It is not possible to redevelop Coopers Hill for a residential led scheme without considering overriding third party interests

**e) Is it in the public interest for the underlying development to proceed?**

Officers have carefully considered whether it is in the public interest for the underlying development to proceed, and are satisfied that it is, due to the continuing need for high quality affordable housing / necessity for making the best and most efficient use of publicly owned land and support the agreed principle of Bracknell Town centre regeneration.

**f) Do the public benefits proportional to the outweigh on private rights of the affected third party?**

Officers consider that the public benefits are substantial and outweigh the impact on other third parties of the interference with their private rights. In particular, that all benefitting parties have a right to statutory compensation for their loss and that assists in reaching this conclusion.

5.8 The use of these powers will deliver economic, social or environmental benefits through the proposed development at the Property via the Joint Venture. The principles of the Coopers Hill Development are to:

- Make town centre living available for families, but also appealing to first time buyers and the elderly, in a choice of residential unit types within walkable reach of the town centre, enabling residents to access the amenities and attractions of the town centre.
- To support the creation of an inclusive community.
- Coopers Hill to be a beacon for sustainable housing delivery, combining the best of suburban development principles into a town centre location and that this site is a benchmark for high quality housing provision.
- The site to retain a wooded environment through careful retention of existing mature trees and planting of new trees, creating a green and attractive setting for residential development including woodland spaces and communal shared play space.

5.9 The appropriation of the Sites being entered into with the joint venture and jointly being developed with Countryside UK (Properties) Ltd would support a number of priorities within the council plan by enabling development that would continue the successful regeneration of Bracknell town centre and secure delivery of the Council's agreed vision to; *"deliver high quality development that supports a thriving, 18 hour town centre and catalyses further regeneration in the area, and that serves the needs of all residents and businesses, including new community facilities and affordable housing, fostering a sense of local ownership"*.

In summary the key wellbeing benefits delivered by Coopers Hill development include

- 52 new family homes including 25% affordable homes (social wellbeing)
- The new homes to be sustainable and high-quality design (environmental and social benefits)
- The new homes to be designed to attract a mixed and balanced community (social benefits)
- New homes in the town centre, in close proximity to employment and leisure opportunities and reducing need for travel (economic, social and environmental benefits)

## Part Exempt

- The development will be carefully landscaped, retaining existing trees and planting new trees (environmental benefits)
  - Construction of the development will deliver new jobs in the area (economic benefits improving skills for local people, including support for young people via training and apprentices (economic benefits)
  - Supports the council in delivering its strategic plan by the physical delivery of strategic regeneration vision for the town centre (economic benefit)
  - Delivers residential uses that supports the ongoing regeneration of the town centre, contributing to economic development overall. (economic benefit)
  - Allows the creation of a modern purpose-built youth facility (Bracken Walk) in a location which young people prefer (social benefit)
- 5.10** The project will thereafter move from the planning phase into the delivery phase including dealing with all the property aspects including rights and restrictive covenants.
- 5.11** Whilst the consultation undertaken by the Council in respect of the Planning Application was not directed towards the appropriation specifically, the consultation exercise has informed the scheme and this report and further public consultation is not considered necessary to enable the Council to form the view.
- 5.12** Furthermore, the resolution by the Council to grant Planning Permission (subject to the completion of an Agreement to secure relevant planning obligations) provides strong support that the development will be of benefit to the public, which may be relevant to the question for a court as to whether or not to grant an injunction, but is by no means conclusive in light of current case law. Further details are laid out in the exempt January 2021 report to Executive at a time when Appropriation was being considered to be implemented (subject to planning) in respect of Homes England's interest in the Restrictive Covenant
- 5.13** Appropriation requires more than a mere decision to hold land for a different purpose. Case law dictates that an authority cannot properly appropriate land to planning purposes unless it considers that the resulting interference with third party rights is necessary. A local authority cannot properly appropriate land to planning purposes unless it considers that it has good reason to interfere with third party rights which would be overridden by section 203 of the Housing and Planning Act 2016 as outlined below.
- 5.14** The DCLG's Guidance on Compulsory purchase process and The Crichel Down Rules (February 2018) advises that compulsory acquisition (a power which is different to s203 but similar in effect, both effectively disappropriate third parties of their land interests) "... should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that the purposes sufficiently justify... interfering with the human rights of those with interests in the land affected....".

### **Human Rights**

- 5.15** Furthermore, following the introduction of the Human Rights Act 1998 the Council is required to act in accordance with the European Convention on Human Rights (ECHR) in deciding whether or not to implement the arrangements. Article 1 of the First Protocol of the ECHR provides that every natural or legal person is entitled to peaceful enjoyment of their possessions ("human rights"). Appropriation of property engages s.203 to authorise interference with rights of light and other easements

involves interference with a person's rights under this Article. However, the right to peaceful enjoyment of possessions provided under this Article is a qualified rather than absolute right, as the wording of Article 1 of Protocol 1 permits the deprivation of an individual's possessions where it is in the public interest and subject to the conditions provided for by law and by the general principles of international law.

- 5.16** Due to the necessity for the Council to comply with its obligations under Article 8 of the Human Rights Act 1998 where the Council appropriates land for planning purposes, the Council has contacted each of the affected property owners in writing of the Council's intention to appropriate and its effect on their rights of light. Article 8(2) allows for interference which is "in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the protection of health and morals, or for the protection of the rights and freedoms of others". There must therefore be a balancing exercise between the public interest and the individual's rights whereby any interference in the individual's rights must be necessary and proportionate. "Proportionate" in this context means that the interference must be no more than is necessary to achieve the identified legitimate aim, thereby striking a "fair balance" between the rights of the individual and the rights of the public. However, notwithstanding the overriding of their rights, compensation will still be available to those who are affected. On this basis it is considered that the public interest in facilitating the development of the Property outweighs the rights of the individuals to peaceful enjoyment of their possessions and to their homes and that the proposed use of s.203 powers results in a proportionate infringement.
- 5.17** Searches have identified utilities and infrastructure under the Property – discussions are ongoing with Thames Water to understand their requirements in due course and to enter into any further legal agreements as required. The compensation will not be at the same level as statutory compensation as Section 203 does not apply to statutory undertakers.

## **6 Consultation and Other Considerations**

### Legal Advice

The legal issues are dealt with within the body of the report regarding the Council having the statutory powers of appropriation under S122 Local Government Act 1972; and under S203 Housing and Planning Act 2016, to override existing third party rights; and by Section 204 of the Housing and Planning Act 2016, the Council is liable to pay compensation in accordance with the statutory provisions in respect of the interference with rights affected by the carrying out of building or maintenance works.

### Financial Advice

- 6.2** In exercising its statutory powers to appropriate the Property, the Council may incur compensation costs which are unquantified at this stage. Avison Young advisors to the Council have undertaken an exercise regarding the potential rights of properties close to Coopers Hill and the value of any compensation payable to affected parties. (Annex 1A and 1B). This indicates that infringed rights appear minimal and that compensation is unlikely to be payable to any party. However it would be prudent to expect that a small amount of legal expense may be incurred and to set aside a figure to be used to meet any claims.

## Part Exempt

The survey costs from Avison Young are estimated to be around £7k plus VAT and paid out of existing LLP partnership budgets. The costs of the appropriation in total are to be borne jointly by Bracknell Forest Cambium Partnership. Any compensation costs will not be material in relation to the Council's expected financial benefit to be received from its land value and profit share.

### Other Consultation Responses

- 6.3 None

### Equalities Impact Assessment

- 6.4 Undertaken previously as part of the decision to enter this land for development

### Strategic Risk Management Issues

- 6.5 None

### Climate Change Implications

- 6.6 The recommendations in Section 2 above are expected to:

Have no impact on emissions of CO<sub>2</sub>.

Appropriation of the land will have no impact on emissions. However the development on the site will have regard to reducing the impact of the development through mitigation of build quality and design.

### Background Papers

Annex A1 – Confidential List of potential interest

Annex A2 Confidential Coopers Hill Map for Appropriation

Annex B Confidential Red line drawing Coopers Hill

### Contact for further information

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To: **Executive**  
**31 August 2021**

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## **COMMISSIONING OF HOME CARE FRAMEWORK: ADULTS DIRECTOR OF PEOPLE**

### **1 Purpose of Report**

1.1 To seek Executive approval for the Strategic Procurement Plan (SPP) to tender for a Home Care framework to commence on 1<sup>st</sup> April 2022 for an initial 3 year term with the option to extend for an additional 3 years or portion thereof (3+1+1+1).

### **2 Recommendation(s)**

**Approval is sought from the Executive for the following recommendation:**

2.1 Executive to approve the Strategic Procurement Plan for procuring a home care service through a flexible framework under the Light Touch Regime as detailed in the Strategic Procurement Plan.

### **3 Reasons for Recommendation(S)**

3.1 The Care Act 2014 places duties on local authorities to influence the Home Care market to ensure a sustainable, diverse, efficient and effective service that delivers better, innovative and cost-effective outcomes that promote the wellbeing of people who need care and support. For Bracknell Forest this is through the 'Community Based Support' framework (CBS) and a number of spot contracts. The CBS framework is due to end 31st March 2022.

3.2 Covid has added increased demand on the service where focus has been on home first and accelerated discharge strategies to alleviate pressures on the NHS. Analysis of the service also indicates a significant increase in demand for those suffering deficits in Memory and Cognition. This is supported by national trends in needs analysis and the increasing demands for dementia services. Support with Memory and Cognition is the most significant group after standard home care.

3.3 Analysis of alternative options has indicated that a flexible framework best meets the needs of the Council.

#### **Procurement and Care Act Compliance**

3.4 The procurement will ensure:

- Compliance with the Council's Contract Standing, in accordance with the Public Contract Regulations 2015.
- The council meets its Statutory Duties of The Care Act 2014 which sets out clear expectations for local authorities, including:
  - ensuring that people in need of services have a wide range of choice and are supported and encouraged to make their own decisions about their care
  - ensuring sustainability of the market and sufficiency of provision
  - ensuring appropriate oversight of delivery and the accountability of providers

### **4 Alternative Options Considered**

4.1 As detailed in the Strategic Procurement Plan.

### **5 Supporting Information**

5.1 An analysis of usage was completed in March 2021. The key findings are detailed in the SPP.

### **Service Demand**

5.2 Demographically Bracknell has an increasing, ageing population with increasingly complex needs. Population data suggest a 3% increase in the 65+ population year on year with increasing associated needs such as deficits in Memory and Cognition. This is supported by national trends and the increasing demands for dementia services.

### **Home First - Hospital Discharges / Discharge to Assess Service**

5.3 In addition to the increases in population and need, Hospital trusts and Community Health & Social Care partners are encouraged to adopt a 'home first' reablement model with the aim of reducing 'delayed discharges' and 'failed discharges'. 'Discharge to Assess' services ensure an individual is medically optimised and discharged for further assessment and long-term planning. There is movement towards the requirement for such discharges to be picked up within 24 hours, 7 days a week, adding further pressure and increasing demand on home care services.

### **Market Feedback**

5.4 The council has held two market engagement events with around 25 interested parties at each event. This has enabled a good dialogue to support the procurement approach and service provision.

### **User Engagement**

5.5 Additionally, the council is engaging with service users and their families. In March 2021 the council undertook a service user questionnaire covering 14 key areas.

5.6 Commissioning continue to undertake further engagement with service users and families in order to develop the service specification and potentially be part of the evaluation team.

## **6 Consultation and Other Considerations**

### **Legal Advice**

6.1 Comments are detailed in the Strategic Procurement Plan

### **Financial Advice**

6.2 Comments are detailed in the Strategic Procurement Plan

## **7 Consultation**

### **Principal Groups Consulted**

7.1 For the specification development, the project team consulted with operational adult social care teams, including Access to Resources, as well as service users and their families.

### **Method of Consultation**

7.2 Soft market testing undertaken in April and May sought initial views of service users and the market. The engagements were undertaken to more robustly reflect service users' voice and capture the market's views.

### **Responses Received**



7.3 Consultation showed commitment and support for the project and an interest amongst the market.

#### Equalities Impact Assessment

7.4 An initial impact assessment screening has been completed. This identified that a Full Equality Impact assessment was not required.

#### Strategic Risk Management

7.5 The project identified some strategic risks that needed to be considered. These risks are detailed in the Strategic Procurement Plan

#### Climate Change Implications

7.6 As this is reprovion of an existing service, analysis concludes that the recommendations contained within this report are expected to have no impact on emissions of greenhouse gases or the environment.

Contact for further information  
sam.morrison@bracknell-forest.gov.uk  
ben.sladden@bracknell-forest.gov.uk

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## Equalities Screening Record Form

<b>Date of Screening:</b> February 2020	<b>Directorate: People</b>	<b>Section: Strategic Commissioning</b>
<b>1. Activity to be assessed</b>	Procurement of Home Care Services Framework	
<b>2. What is the activity?</b>	<input type="checkbox"/> Policy/strategy <input type="checkbox"/> Function/procedure <input type="checkbox"/> Project <input type="checkbox"/> Review <input checked="" type="checkbox"/> Service <input type="checkbox"/> Organisational change	
<b>3. Is it a new or existing activity?</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing	
<b>4. Officer responsible for the screening</b>	Alison Cronin	
<b>5. Who are the members of the EIA team?</b>	Alison Cronin, Liz Walker, Sally Cathcart-Cunnison	
<b>6. What is the purpose of the activity?</b>	<p>To procure a new home care service framework for people who live in their own homes but require additional support to remain there; thereby preventing or delaying more costly options such as residential care. The service includes activities such as personal care, discharge to assess and supports reablement of individuals following hospital admission and is a critical way of delivering the duties under the Care Act 2014. Services are provided 365 days a year to people with a range of disabilities and health conditions.</p> <p>A key aspect of moving to the new arrangements will be to encourage current providers onto the framework to minimise risks and potential impact on service users. Where providers do not join the framework a Mobilisation &amp; Transition team will be set up in order to manage the transition. The team will develop and manage the transition of packages and providers with a particular focus on Care Act Compliance.</p> <p>In 2017 the council tendered for a Community Based Support framework (CBS) and awarded contracts to 5 organisations. Two providers terminated their contracts within the first year, leaving a shortfall in provision for people who required the service. This resulted in the council having to spot purchase services from other providers. Whilst this has led to choice and sufficiency of provision it has resulted in an inequitable and non-transparent methodology for securing care packages, which undermines the BFBC contract and procurement rules and subsequently the public contract regulations 2015.</p> <p>The activity will seek to:</p> <ul style="list-style-type: none"> <li>• develop a compliant commissioning model allowing for transparency and fairness</li> <li>• ensure all people who are eligible for services receive good quality, affordable home care services</li> </ul>	

				<ul style="list-style-type: none"> <li>ensure services focus on individual needs and individually identified outcomes in terms of care and support through a framework of pre-approved providers</li> </ul>																																								
<b>7. Who is the activity designed to benefit/target?</b>				People who are 18 years and over who are eligible for domiciliary care defined in legislation such as the Care Act 2014. This will include, for example: <ul style="list-style-type: none"> <li>People who access social care support</li> <li>People who access local health services</li> <li>People with care and support needs, which includes people with a range of disabilities and health conditions</li> </ul>																																								
<b>Protected Characteristics</b>				<b>Please tick yes or no</b>																																								
				<b>Is there an impact?</b> What kind of equality impact may there be?																																								
				<b>What evidence do you have to support this?</b> E.g. equality monitoring data, consultation results, customer satisfaction information etc																																								
<b>8. Disability Equality - this can include physical, mental health, learning or sensory disabilities and includes conditions such as dementia as well as hearing or sight impairment.</b>	Y <input checked="" type="checkbox"/>	N	Yes.  The impact is expected to be positive.	Based on people in receipt of home care during 2019/20 & 2020/21, the Primary Support Reasons were: <table border="1" data-bbox="907 710 1807 1364"> <thead> <tr> <th>Primary Support Need</th> <th>2019 to 2020</th> <th>2020 to 2021</th> <th>Change</th> <th>% change</th> </tr> </thead> <tbody> <tr> <td>Standard Personal Care only</td> <td>150</td> <td>202</td> <td>52</td> <td>35%</td> </tr> <tr> <td>Support with Memory and Cognition</td> <td>48</td> <td>83</td> <td>35</td> <td>73%</td> </tr> <tr> <td>Learning Disability</td> <td>52</td> <td>46</td> <td>-6</td> <td>-12%</td> </tr> <tr> <td>Mental Health</td> <td>13</td> <td>15</td> <td>2</td> <td>15%</td> </tr> <tr> <td>Physical Support - Access and Mobility</td> <td>4</td> <td>5</td> <td>1</td> <td>25%</td> </tr> <tr> <td>Sensory Dual Impairment</td> <td>2</td> <td>1</td> <td>-1</td> <td>-50%</td> </tr> <tr> <td><b>Total</b></td> <td><b>269</b></td> <td><b>352</b></td> <td><b>83</b></td> <td><b>31%</b></td> </tr> </tbody> </table>	Primary Support Need	2019 to 2020	2020 to 2021	Change	% change	Standard Personal Care only	150	202	52	35%	Support with Memory and Cognition	48	83	35	73%	Learning Disability	52	46	-6	-12%	Mental Health	13	15	2	15%	Physical Support - Access and Mobility	4	5	1	25%	Sensory Dual Impairment	2	1	-1	-50%	<b>Total</b>	<b>269</b>	<b>352</b>	<b>83</b>	<b>31%</b>
Primary Support Need	2019 to 2020	2020 to 2021	Change	% change																																								
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<b>Total</b>	<b>269</b>	<b>352</b>	<b>83</b>	<b>31%</b>																																								

				<p>Analysis of the proportion split of the service indicates a significant increase in demand for those suffering deficits in Memory and Cognition. This is supported by national trends in needs analysis and the increasing demands for dementia services. Support with Memory and Cognition is the most significant group after standard home care.</p> <p>There will be no change in eligibility for this service. Everyone, 18+ who meets the eligibility criteria is entitled to receive a service regardless of their disability.</p> <p>Expectations around service accessibility will be specified within the contract.</p>																				
9. Racial equality	Y <input checked="" type="checkbox"/>	N	Yes.	<p>Based on people in receipt of home care during 2019/20 &amp; 2020/21 the ethnicity breaks down as:</p> <table><tr><th>Ethnicity</th><th>2019/2020</th><th>2020/2021</th><th>% change</th></tr><tr><td>White</td><td>254</td><td>336</td><td>32% increase</td></tr><tr><td>BME</td><td>12</td><td>13</td><td>8% increase</td></tr><tr><td>Unspecified</td><td>3</td><td>4</td><td></td></tr><tr><td>Total</td><td>269</td><td>353</td><td>31%</td></tr></table> <p>Variations in ethnicity and gender are in line with national statistics and expectations as supported by data from POPPI</p> <p><a href="https://www.poppi.org.uk/index.php">https://www.poppi.org.uk/index.php</a></p> <p>There will be no change in eligibility for this service, so everyone who is eligible, regardless of race, will be entitled to a service. Expectations around service accessibility will be specified within the contractual agreement.</p>	Ethnicity	2019/2020	2020/2021	% change	White	254	336	32% increase	BME	12	13	8% increase	Unspecified	3	4		Total	269	353	31%
Ethnicity	2019/2020	2020/2021	% change																					
White	254	336	32% increase																					
BME	12	13	8% increase																					
Unspecified	3	4																						
Total	269	353	31%																					

10. Gender equality	Y	N <input checked="" type="checkbox"/>	Neutral impact is expected	<p>Based on people in receipt of home care during 2019/20 &amp; 2020/21 indicates the breakdown between males and females accessing the service:</p> <table><tr><th>Gender</th><th colspan="2">2019/20</th><th colspan="4">2020/21</th></tr><tr><td></td><th>18-64</th><th>65+</th><td></td><th>18-64</th><th>65+</th><td></td></tr><tr><td>Female</td><td>39</td><td>112</td><td>151</td><td>38</td><td>171</td><td>209</td></tr><tr><td>Male</td><td>48</td><td>70</td><td>118</td><td>51</td><td>93</td><td>144</td></tr><tr><td></td><td>87</td><td>182</td><td>269</td><td>89</td><td>264</td><td>353</td></tr></table> <p>The age group 65+ accounts for the majority of people receiving services.</p> <p>The proportion of males in receipt of care is higher in the 18-64yr category but this is reversed in 65yrs+ cohort where the proportion of females in receipt of care is higher. The gender difference is a national trend of the service.</p> <p>There is no impact upon an individual as a result of their gender.</p> <p>However, preferences of personal care do impact service allocation. For example, a female service user might prefer a female carer etc.</p> <p>There will be no change in eligibility for this service, so everyone who is eligible, regardless of gender, will be entitled to a service. Expectations around service accessibility will be specified within the contract.</p>	Gender	2019/20		2020/21					18-64	65+		18-64	65+		Female	39	112	151	38	171	209	Male	48	70	118	51	93	144		87	182	269	89	264	353
Gender	2019/20		2020/21																																				
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Male	48	70	118	51	93	144																																	
	87	182	269	89	264	353																																	
11. Sexual orientation equality	Y	N <input checked="" type="checkbox"/>	Yes.	<p>There is no envisaged negative impact upon an individual as a result of their sexual orientation.</p> <p>Expectations around service accessibility will be specified within the contract.</p>																																			
12. Gender re-assignment	Y	N <input checked="" type="checkbox"/>	Neutral impact is expected	<p>BFC do not gather information on this equalities strand. At this time there is no evidence to suggest a negative or positive impact on an individual as a result of gender reassignment</p> <p>Home care services are available to anyone who is eligible, regardless of any gender re-assignment</p>																																			



				Expectations around service accessibility will be specified within the contract.																																
13. Age equality	Y	N <input checked="" type="checkbox"/>	Yes	There is no envisaged negative impact upon an individual as a result of their age. There will be no change in eligibility for this service, so everyone who is eligible will be entitled to a service. Expectations around service accessibility will be specified within the contract.																																
14. Religion and belief equality	Y	N	Yes The impact is expected to be positive	<p>Based on people in receipt of home care during 2020-21 (LAS Data), indicates the following breakdown between religion and belief:</p> <table><tr><th>Religion Description+</th><th>Count Client</th><th>Percentage</th><th>2011 Census</th></tr><tr><td>Christian</td><td>62</td><td>83.8%</td><td>59.3%</td></tr><tr><td>Muslim</td><td>2</td><td>2.7%</td><td>4.8%</td></tr><tr><td>No Religion</td><td>9</td><td>12.2%</td><td>25.1%</td></tr><tr><td>Not Stated</td><td>1</td><td>1.4%</td><td>-</td></tr><tr><td>Total responses</td><td>74</td><td>-</td><td>-</td></tr><tr><td>Not Recorded</td><td>201</td><td>-</td><td>-</td></tr><tr><td>Total clients</td><td>275</td><td>-</td><td>-</td></tr></table> <p><a href="https://www.ons.gov.uk">Office of National Statistics.gov.uk</a></p> <p>The initial findings from the 2021 census are not anticipated to be published until March 22, so reference is made to the 2011 census. However, the census data is not a direct comparison as Religion and Belief criteria are requested in a different format, the census data is from 2011 and only 74 individuals responded in comparison to the population census data.</p> <p>The impact is expected to be positive across all religions and beliefs, as the service is available to everyone who meets the eligibility criteria. All efforts will be made to ensure equity to the ongoing access to services.</p>	Religion Description+	Count Client	Percentage	2011 Census	Christian	62	83.8%	59.3%	Muslim	2	2.7%	4.8%	No Religion	9	12.2%	25.1%	Not Stated	1	1.4%	-	Total responses	74	-	-	Not Recorded	201	-	-	Total clients	275	-	-
Religion Description+	Count Client	Percentage	2011 Census																																	
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Total responses	74	-	-																																	
Not Recorded	201	-	-																																	
Total clients	275	-	-																																	

<b>15. Pregnancy and maternity equality</b>	Y	N	Neutral impact is expected.	No evidence could be found to suggest an adverse or positive impact based on pregnancy or maternity alone.
<b>16. Marriage and civil partnership equality</b>	Y	N	Neutral impact is expected.	No evidence could be found to suggest an adverse or positive impact based on marriage or civil partnership alone.
<b>17. Please give details of any other potential impacts on any other group (e.g. those on lower incomes/carers/ex-offenders, armed forces communities) and on promoting good community relations.</b>				<p><b>Carers</b></p> <p>New figures released for Carers Week (8th – 14th June 2020) show an estimated 4.5 million people in the UK have become unpaid carers as a result of the Covid-19 pandemic.</p> <p>This is on top of the 9.1 million unpaid carers who were already caring before the outbreak, bringing the total to 13.6 million.</p> <p>2.7 million women (59%) and 1.8 million men (41%) have started caring for relatives who are older, disabled or living with a physical or mental illness.</p> <p>(<a href="#">Carers Week 2020 Research Report - Carers UK</a>)</p> <p>The initial findings from the 2021 census are not anticipated to be published until March 22, but the JSNA in 2016 reported an estimate 10,125 informal carers in Bracknell Forest. This is an increase from the 2011 census, which indicated that there were approximately 9,600 carers in the local area. This indicates a potential increase of 5.5%.</p> <p>The impact is expected to be positive for carers, through delivery of safe and effective services supporting the care provided by carers.</p> <p><b>People on lower incomes &amp; Armed forces community</b></p> <p>No evidence could be found to suggest an adverse impact on these groups.</p>
<b>18. If an adverse/negative impact has been identified can it be justified on grounds of promoting equality of opportunity for one group or for any other reason?</b>				n/a
<b>19. If there is any difference in the impact of the activity when considered for each of the equality groups listed in 8 – 14 above; how significant is the difference in terms of its</b>				n/a

nature and the number of people likely to be affected?			
20. Could the impact constitute unlawful discrimination in relation to any of the Equality Duties?	Y	N X	No adverse impacts have been identified.
21. What further information or data is required to better understand the impact? Where and how can that information be obtained?	The Care Act 2014 stipulates how services should be delivered to people under Adult Social Care.		
22. On the basis of sections 7 – 17 above is a full impact assessment required?	Y	N X	
23. If a full impact assessment is not required; what actions will you take to reduce or remove any potential differential/adverse impact, to further promote equality of opportunity through this activity or to obtain further information or data? Please complete the action plan in full, adding more rows as needed.			
<b>Action</b>	<b>Timescale</b>	<b>Person Responsible</b>	<b>Milestone/Success Criteria</b>
Equalities monitoring will be built into contract monitoring	From commencement of contract	Head of Strategic Commissioning	Equalities recording in LAS and evidence gathered from contract monitoring can be reviewed to identify any positive/negative impact on protected characteristics
Annual Report on Equalities Monitoring – Services	Annual basis	Head of Strategic Commissioning	The Annual Report, which is completed each year on Equalities Monitoring – Services can be used for monitoring purposes. The report aims to show that the council is providing a fair and equitable service to all residents who are eligible for support.
24. Which service, business or work plan will these actions be included in?	The People Directorate		

<p><b>25. Please list the current actions undertaken to advance equality or examples of good practice identified as part of the screening?</b></p>	<p>Redefining service specification</p> <p>The proposal to re-procure and re-commission home care support utilising an updated outcome focused service specification will provide individuals with tailored support linked to their assessed needs to support wellbeing and independence.</p> <p>Expectations around service accessibility, service flexibility and delivering person centred support will be specified within the contractual agreement.</p> <p>Having a larger, flexible framework will safeguard the service users as the council will be able to move away from having large number of service users with one provider, and the framework can be opened up to new providers if it cannot meet the demands for the service.</p>
<p><b>26. Assistant Director signature</b></p>	<p>Signature: _____ Date: _____</p>

When complete please send to [abby.thomas@bracknell-forest.gov.uk](mailto:abby.thomas@bracknell-forest.gov.uk) for publication on the Council's website.



Ref No: S/DPIA No. 40

## SUMMARY DATA PROTECTION IMPACT ASSESSMENT TEMPLATE

**IMPORTANT:** The Council has a duty to do a Data Protection Impact Assessment (DPIA) in order to comply with the General Data Protection Regulations 2016 and the Data Protection Act 2018 where it intends to process (i.e. (anything you do with data) an individual's personal data that is likely to result in a high risk to the rights and freedoms of individuals).

In order to decide whether it is necessary to do a full DPIA please complete this Summary DPIA template as accurately as possible.

A full DPIA is an assessment process which will assist in identifying and minimising data protection risks associated with your project / initiative.

To complete check the **Yes/No** questions in the form as appropriate.

Please save a new version of this document and return your completed form to: [mandy.byfield@bracknell-forest.gov.uk](mailto:mandy.byfield@bracknell-forest.gov.uk). Use the same email for any queries.

Author contact & submission details			
<b>Name</b>	Liz Walker & Alison Cronin	<b>Team</b>	Commissioning
<b>Email</b>	<a href="mailto:liz.walker@bracknell-forest.gov.uk">liz.walker@bracknell-forest.gov.uk</a> <a href="mailto:Alison.cronin@bracknell-forest.gov.uk">Alison.cronin@bracknell-forest.gov.uk</a>	<b>Department</b>	People
<b>Tel no</b>	01344 351606 01344 351601	<b>Date submitted</b>	<b>13/02/2020</b>
<b>What prompted you to submit a summary DPIA?</b>			Procurement of a framework for home care services
<b>What is the legislation / authority under which you provide a service that gives rise to the need for the processing of personal data</b>			Care Act 2014

<b>*Project / initiative details</b>			
<b>*Note: a project can be a new or review of: policy / strategy / function / procedure / project / service / organisation change / data sharing agreement / arrangement</b>			
Title: Framework for Home Care Service			
<b>Brief summary and description of the project / initiative:</b> To procure a home care care service, through a framework arrangement. Home care Care is provided to people who still live in their own homes, but require additional support to remain there. This may include activities such as household tasks, personal care and other activities that allow people to maintain both their independence and quality of life – preventing more costly solutions such as residential care. Regular home visits, from fully trained care workers, range from 30 minutes through to several hours a day and often include: - <ul style="list-style-type: none"> <li>• Personal / continence care</li> <li>• Managing medication</li> <li>• Helping to mobilise in and around the home</li> <li>• Household tasks and meal preparation</li> <li>• Clinical care, including catheter and stoma management and PEG feeding</li> </ul>			
<b>Proposed 'go live' / implementation date</b>		01/04/2022	
<b>Will the proposal / project involve a procurement exercise</b>		<b>Yes</b> <input checked="" type="checkbox"/>	<b>No</b> <input type="checkbox"/>
<b>If YES, when will the tender be issued?</b>		02/08/2021	
<b>Consequences if the project / initiative was delayed/ unable to proceed:</b> In 2017 the council entered into a framework agreement with 5 providers. Two of the providers have since withdrawn from the framework. This has resulted in the council having to enter into spot contract arrangements with 11 providers (70% of the service). This has increased costs. If the project was delayed or unable to proceed, this would result in: <ul style="list-style-type: none"> <li>• None compliance with BFBC procurement &amp; contract rules and procedures, in accordance with the Public Contract Regulations 2015</li> <li>• Continued escalation of costs</li> </ul>			
<b>Has an Information Sharing Agreement for this proposal already been initiated with Legal Services?</b>		<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" type="checkbox"/>
<b>Has a Privacy Impact Assessment / DPIA already been initiated/completed for a similar project/initiative?</b>		<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" type="checkbox"/>
<b>If YES, what was the name of the project/initiative?</b>			

Does the proposal involve:	Yes	No
<p><b>1. Processing *high volumes of <u>personal data</u> that affects a large number of individuals?</b></p> <p><b>This could include:</b></p> <p>name, address, date of birth, gender, marital status, next of kin/family/other parties involved, well-being and care plans, details of risk, e.g. manual handling, incidents and accidents, safeguarding concerns, complaints, telephone number, images, information regarding personal circumstances related to care and support services</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>2. *Large scale processing of data of special category or criminal offence data including:</b></p> <p>a) racial or ethnic origin</p> <p>b) political opinions,</p> <p>c) religious or philosophical beliefs,</p> <p>d) trade union membership,</p> <p>e) genetic data (e.g. DNA)</p> <p>f) biometric data (where used for ID purposes) (e.g. fingerprints)</p> <p>g) health (including provision of social care services)</p> <p>h) Sex life or sexual orientation</p> <p>i) Data related to criminal allegations, convictions or offences related security measures</p> <p>*Large scale – Consider, a) the number of individuals concerned, either as a specific number or as a proportion of the relevant population, b) the volume of data and/or the range of different data items being processed, c) the duration or permanence of the data processing activity, d) the geographical extent of the processing activity.</p> <p>This may include: ethnicity, religious beliefs, health and genetic data (by way of reference to genetic disorders): a), c, g, e (by way of reference to genetic disorders)</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>3. Processing <u>any</u> biometric and/or genetic data?</b></p> <p>This could include details of genetic disorders e.g. Huntington disease</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>4. Use systematic and extensive <u>profiling or automated decision-making</u> to make significant decisions about people?</b></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Once a person is assessed as eligible for services, information around their care needs are input into a Resource Allocation System (RAS), by their Practitioner within the council. The RAS calculates care needs into a personal budget (a weekly allocation of money to meet assessed needs), which is then submitted to panel for approval.		
<b>5. Profiling individuals on a *large scale? See 2. above.</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>6. Profiling children or automated decision-making or for marketing purposes, or offering or targeting marketing or online services at children (aged under 13)?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>7. Use profiling, automated decision-making or special category data to help make decisions on someone's access to a service, opportunity or benefit?</b>  Once a person is assessed as eligible for services, information around their care needs are input into a Resource Allocation System (RAS) by the persons practitioner within the council. RAS calculates care needs into a personal budget (a weekly allowance of money to meet assessed needs). This is then taken to a panel for approval before being allocated to the person.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>8. Matching data or combining datasets from different sources?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>9. Tracking an individual's location or behaviour?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>10. Processing data could result in a risk of physical harm in the event of a security breach.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>11. Collecting personal data from a source other than the individual without providing them with a privacy notice ('this is termed invisible processing')</b>  For example: The Council receives personal data from third parties without the individuals being aware, because issuing a privacy notice would prove impossible or involve disproportionate effort	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>12. Systemic monitoring of individuals / public areas using overt or covert methods e.g. CCTV?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>13. Use of new technologies (inc. introducing new or amending existing technology, systems or software)?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



14. Processing of data where the primary purpose is criminal law enforcement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. Processing of data outside of the <a href="#">European Economic Area</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Use of innovative technology in combination with any of the criteria in the European guidelines.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. There is a change to the nature, scope, context or purposes to our processing.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Where you have answered yes to the scale questions (1, 2 or 5 above) Indicate how many individuals will be affected  <a href="#">There are 197 people currently receiving a service.</a>	<input type="checkbox"/>	<input type="checkbox"/>

### **Information Sharing**

Does the proposal involve:	Yes	No
Sharing personal data or special category data on a regular basis with an external third party?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If 'Yes' is there a valid Information Sharing Agreement (ISA) in place for the sharing you wish to undertake?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Changing the scope of an existing Information Sharing Agreement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please complete and return this form to: [mandy.byfield@bracknell-forest.gov.uk](mailto:mandy.byfield@bracknell-forest.gov.uk)

You will then be contacted with the outcome of the assessment of the summary DPIA and proposed next steps.

### **Legal Services - Office Use**

Data Protection Officer Review		
DPIA required?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
CCTV DPIA required?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is Investigatory Power Act authorisation required?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Criminal Law Enforcement data processing?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Comments including rationale:		
Procurement involved?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is a pre and post procurement DPIA likely to be required?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Comments including rationale:		
Information Sharing Agreement required?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

<b>Comments including rationale:</b>				
<b>Next Steps / Recommendations for risk mitigation (including dates and any meetings arranged with business)</b>				
				Click here to enter a date.
				Click here to enter a date.
<b>Name</b>				
<b>Job Title</b>				
<b>Date of review</b>				
<b>Submitter informed of next steps</b>	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>	<b>Date</b>	Click here to enter a date.

When completed the above section may be sent as part of the Summary DPIA assessment response.



Ref No: S/DPIA No. 40

## SUMMARY DATA PROTECTION IMPACT ASSESSMENT TEMPLATE

**IMPORTANT:** The Council has a duty to do a Data Protection Impact Assessment (DPIA) in order to comply with the General Data Protection Regulations 2016 and the Data Protection Act 2018 where it intends to process (i.e. (anything you do with data) an individual's personal data that is likely to result in a high risk to the rights and freedoms of individuals).

In order to decide whether it is necessary to do a full DPIA please complete this Summary DPIA template as accurately as possible.

A full DPIA is an assessment process which will assist in identifying and minimising data protection risks associated with your project / initiative.

To complete check the **Yes/No** questions in the form as appropriate.

Please save a new version of this document and return your completed form to: [mandy.byfield@bracknell-forest.gov.uk](mailto:mandy.byfield@bracknell-forest.gov.uk). Use the same email for any queries.

Author contact & submission details			
<b>Name</b>	Liz Walker & Alison Cronin	<b>Team</b>	Commissioning
<b>Email</b>	<a href="mailto:liz.walker@bracknell-forest.gov.uk">liz.walker@bracknell-forest.gov.uk</a> <a href="mailto:Alison.cronin@bracknell-forest.gov.uk">Alison.cronin@bracknell-forest.gov.uk</a>	<b>Department</b>	People
<b>Tel no</b>	01344 351606 01344 351601	<b>Date submitted</b>	<b>13/02/2020</b>
<b>What prompted you to submit a summary DPIA?</b>			Procurement of a framework for home care services
<b>What is the legislation / authority under which you provide a service that gives rise to the need for the processing of personal data</b>			Care Act 2014

<b>*Project / initiative details</b> <b>*Note: a project can be a new or review of: policy / strategy / function / procedure / project / service / organisation change / data sharing agreement / arrangement</b>			
Title: Framework for Home Care Service			
<b>Brief summary and description of the project / initiative:</b> To procure a home care service, through a framework arrangement. Home Care is provided to people who still live in their own homes but require additional support to remain there. This may include activities such as household tasks, personal care and other activities that allow people to maintain both their independence and quality of life – preventing more costly solutions such as residential care. Regular home visits, from fully trained care workers, range from 30 minutes through to several hours a day and often include: - <ul style="list-style-type: none"> <li>• Personal / continence care</li> <li>• Managing medication</li> <li>• Helping to mobilise in and around the home</li> <li>• Household tasks and meal preparation</li> <li>• Clinical care, including catheter and stoma management and PEG feeding</li> </ul>			
Proposed 'go live' / implementation date		01/04/2022	
Will the proposal / project involve a procurement exercise		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If YES, when will the tender be issued?		02/08/2021	
<b>Consequences if the project / initiative was delayed/ unable to proceed:</b> In 2017 the council entered into a framework agreement with 5 providers. Two of the providers have since withdrawn from the framework. This has resulted in the council having to enter into spot contract arrangements with 11 providers (70% of the service). This has increased costs. If the project was delayed or unable to proceed, this would result in: <ul style="list-style-type: none"> <li>• Non-compliance with BFBC procurement &amp; contract rules and procedures, in accordance with the Public Contract Regulations 2015</li> <li>• Continued escalation of costs</li> </ul>			
Has an Information Sharing Agreement for this proposal already been initiated with Legal Services?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has a Privacy Impact Assessment / DPIA already been initiated/completed for a similar project/initiative?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, what was the name of the project/initiative?			

Does the proposal involve:	Yes	No
<p><b>1. Processing *high volumes of <u>personal data</u> that affects a large number of individuals?</b></p> <p><b>This could include:</b></p> <p>Name, address, date of birth, gender, marital status, next of kin/family/other parties involved, well-being and care plans, details of risk, e.g. manual handling, incidents and accidents, safeguarding concerns, complaints, telephone number, images, information regarding personal circumstances related to care and support services, and financial information from the providers Electronic Time Monitoring system, which details delivery of care e.g. time of call, length of call.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>2. *Large scale processing of data of special category or criminal offence data including:</b></p> <p>a) racial or ethnic origin</p> <p>b) political opinions,</p> <p>c) religious or philosophical beliefs,</p> <p>d) trade union membership,</p> <p>e) genetic data (e.g. DNA)</p> <p>f) biometric data (where used for ID purposes) (e.g. fingerprints)</p> <p>g) health (including provision of social care services)</p> <p>h) Sex life or sexual orientation</p> <p>i) Data related to criminal allegations, convictions or offences related security measures</p> <p>*Large scale – Consider, a) the number of individuals concerned, either as a specific number or as a proportion of the relevant population, b) the volume of data and/or the range of different data items being processed, c) the duration or permanence of the data processing activity, d) the geographical extent of the processing activity.</p> <p>This may include: ethnicity, religious beliefs, health and genetic data: a, c, g, e (by way of reference to genetic disorders)</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>3. Processing <u>any</u> biometric and/or genetic data?</b></p> <p>This could include details of genetic disorders e.g. Huntington disease</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>4. Use systematic and extensive <u>profiling or automated decision-making</u> to make significant decisions about people?</b></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Once a person is assessed as eligible for services, information around their care needs are input into a Resource Allocation System (RAS), by their Practitioner within the council. The RAS calculates care needs into a personal budget (a weekly allocation of money to meet assessed needs), which is then submitted to panel for approval.		
<b>5. Profiling individuals on a *large scale? See 2. above.</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>6. Profiling children or automated decision-making or for marketing purposes, or offering or targeting marketing or online services at children (aged under 13)?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>7. Use profiling, automated decision-making or special category data to help make decisions on someone's access to a service, opportunity or benefit?</b>  As above - once a person is assessed as eligible for services, information around their care needs are input into a Resource Allocation System (RAS) by the persons practitioner within the council. RAS calculates care needs into a personal budget (a weekly allowance of money to meet assessed needs). This is then taken to a panel for approval before being allocated to the person.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>8. Matching data or combining datasets from different sources?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>9. Tracking an individual's location or behaviour?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>10. Processing data could result in a risk of physical harm in the event of a security breach.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>11. Collecting personal data from a source other than the individual without providing them with a privacy notice ('this is termed invisible processing')</b>  For example: The Council receives personal data from third parties without the individuals being aware, because issuing a privacy notice would prove impossible or involve disproportionate effort	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>12. Systemic monitoring of individuals / public areas using overt or covert methods e.g. CCTV?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>13. Use of new technologies (inc. introducing new or amending existing technology, systems or software)?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>14. Processing of data where the primary purpose is criminal law enforcement?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>15. Processing of data outside of the <a href="#">European Economic Area</a>?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

16. Use of innovative technology in combination with any of the criteria in the European guidelines.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. There is a change to the nature, scope, context or purposes to our processing.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Where you have answered yes to the scale questions (1, 2 or 5 above) Indicate how many individuals will be affected  There are around 250 people currently receiving a service.	<input type="checkbox"/>	<input type="checkbox"/>

### **Information Sharing**

Does the proposal involve:	Yes	No
Sharing personal data or special category data on a regular basis with an external third party?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If 'Yes' is there a valid Information Sharing Agreement (ISA) in place for the sharing you wish to undertake?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Changing the scope of an existing Information Sharing Agreement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please complete and return this form to: [mandy.byfield@bracknell-forest.gov.uk](mailto:mandy.byfield@bracknell-forest.gov.uk)

You will then be contacted with the outcome of the assessment of the summary DPIA and proposed next steps.

### **Legal Services - Office Use**

Data Protection Officer Review		
DPIA required?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
CCTV DPIA required?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is Investigatory Power Act authorisation required?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Criminal Law Enforcement data processing?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Comments including rationale:		
Procurement involved?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is a pre and post procurement DPIA likely to be required?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Comments including rationale:		
Information Sharing Agreement required?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Comments including rationale:		

Next Steps / Recommendations for risk mitigation (including dates and any meetings arranged with business)			
			Click here to enter a date.
			Click here to enter a date.
<b>Name</b>			
<b>Job Title</b>			
<b>Date of review</b>			
<b>Submitter informed of next steps</b>	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>	<b>Date</b> Click here to enter a date.

When completed the above section may be sent as part of the Summary DPIA assessment response.



## Data Protection Impact Assessment

### Ref. No. 40 – Domcare Framework

**IMPORTANT:** This Data Protection Impact Assessment (DPIA) is an important means of evidencing our compliance with the requirements of the Data Protection Act 2018 and the General Data Protection Regulation. It must be completed fully and accurately and submitted in good time to secure the necessary approvals prior to ‘go live.’

The law requires that a **DPIA must be completed before** undertaking any processing of personal data (i.e. anything you do with data) which is ‘likely to result in a high risk to the rights and freedoms of individuals’. There are defined criteria for what constitutes high risk processing and these are assessed via a Summary DPIA.

<b>Have you previously completed a summary DPIA for this project or initiative?</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If no, please contact the DPO <a href="mailto:bob.miller@bracknell-forest.gov.uk">bob.miller@bracknell-forest.gov.uk</a> to request a Summary DPIA template to establish whether you need a full DPIA before proceeding.		

The DPIA should be a ‘live’ document. However, we also need to **ensure that the document has sign-off at the appropriate time(s) during project / initiative development and before data processing commences**. For instance, a DPIA is likely to be required and signed-off before any procurement exercise and refined thereafter with the supplier(s), when more information is known. Likewise, at pre and post a pilot or design and implement stages.

Beyond that, DPIAs should be systematically reviewed as part of the management of risk and in line with any recommended review dates given at the initial DPIA sign-off.

Much of the DPIA takes the form of a check list comprising yes / no questions with short explanations required. The DPO aims to work proactively with business leads to support them to complete their DPIAs and obtain the necessary approvals. When a full DPIA has been assessed as being needed via a Summary DPIA, the DPO will provide support.

Please send general queries about the DPIA process or form and / or return the form to [bob.miller@bracknell-forest.gov.uk](mailto:bob.miller@bracknell-forest.gov.uk).

**When completing the DPIA think about the security and protection measures you would want putting in place to address risk if it were your data!**

This DPIA should be completed by the business owner of the change with the support of the DPO, and input from Procurement, ICT and Legal team colleagues, where appropriate.

#### Version History – Pre-Approval

Version	Review date	Details of update	Completion Date	Approval Date
1.0AC		First draft	12/01/21	

#### Version History – Post-Approval & Review

Version	Review date	Details of update	Completion Date	Approval Date

### 1. Contact details

Contact Details & Project / Initiative Title			
Author of this DPIA (Business owner )			
Name of Author	Alison Cronin		
Job Title	Senior Commissioner		
Department/Team Name	Strategic Commissioning		
Email	<a href="mailto:Alison.cronin@bracknell-forest.gov.uk">Alison.cronin@bracknell-forest.gov.uk</a>	Tel No	Ext 1601
Project Sponsor/Director/Information Asset Owner			
Name	Melanie O'Rourke		
Job Title	Executive Director: People		
Name / Title of project / initiative:			
Procurement of a framework for domiciliary care services			
Date DPIA Submitted	18/12/2020		

## 2. Project / Initiative details

### Brief description of the project

Domiciliary care is provided to people who still live in their own homes but require additional support to remain there. The service supports adults with a wide range of conditions, which includes older adults, people with long term conditions, and people with dementia. Services may include activities such as household tasks, personal care and any other activities that allows them to maintain both their independence and quality of life – preventing and or delaying more costly solutions such as residential care.

Regular home visits, from fully trained care workers, range from 30 minutes through to several hours a day and often include: -

- Personal / continence care
- Managing medication
- Helping to mobilise in and around the home
- Household tasks and meal preparation
- Clinical care - this is specialised care and support involving training from specialist nurses. it needs to be delivered to the care agencies and can overlap with a health funded need.

Alongside these essential care tasks Domiciliary Care also provides a valuable source of companionship and brings comfort, the feeling of safety and friendship. This is often referred to as 'social care'. Social care can benefit (or improve) mental health and well-being, reduce social isolation and provides mental stimulation.

This DPIA covers the arrangement that will exist between the council and providers of domiciliary care services once the new framework is implemented. All domiciliary care arrangements are within borough.

The procurement is due to commence May 2021, with the framework commencing 1 April 22. Domiciliary care services are currently provided through a community based support framework with 3 providers, and 12 spot contracts. There will be no restriction on the number of providers on the framework.

What does the project / initiative involve and what does it aim to achieve (reference any project documentation where applicable)?

The Care Act 2014 sets out clear expectations for local authorities to ensure that people in need of services have a wide range of choice in terms of provision:

- Prevention: it is better to take action before harm occurs
- Proportionality: the least intrusive response appropriate to the risk presented
- Protection: support and representation for those greatest in need
- Partnership: Local solutions through services working with their communities - communities have a part to play in preventing and reporting neglect & abuse

BFC seeks to commission a service that meets these requirements and is compliant with BFC Procurement and Contract Rules and in accordance with the Public Contract Regulations 2015. The objectives of the project are:

- That all people eligible for services receive good quality, affordable community services which focus on their individual needs and individually identified outcomes in terms of care and support through a framework of pre approved providers
- That people have choice, in relation to service provision
- Collaboratively develop and implement an efficient, transparent and compliant domiciliary care service

- Develop our provider market by opening and maintaining engagement and information sharing with all parties
- Influence an innovative domiciliary care and support market which is monitored regularly with effective governance

A Strategic Procurement Plan is being drafted at the time of completing this DPIA.

**Has this project been proposed to / approved through a formal decision making route (e.g. been approved by committee / challenge panel?)**

**If yes, please provide details including date(s)**

A Strategic Procurement Plan (SPP) is being drafted, which will go to DMT 16/3/21, for onward transmission to the Executive on 27/4/21. The Executive will be asked to approve the SPP. A copy of this DPIA will accompany the SPP. Subject to approval, a procurement will commence.

Yes ☒ No ☐

### 3. Data Protection

**Why is the use of personal data necessary for the purpose of the initiative?**

What type of data processing is involved? What is the intended effect on individuals? What are the benefits of the processing for the individual, Bracknell Forest Council and more broadly?

People receive domiciliary care services in their own accommodation. The service will be provided in accordance with a care plan supplied by the council to the service provider. This will include details of the individual and their circumstances e.g. health, care and support requirements, and the outcomes to be achieved. The care plan contains the individual's signed consent for the information to be shared.

During the delivery of the service, further information will be gathered and exchanged between the council and the provider. This is required to ensure information is up to date, that services can be provided safely, in accordance with needs and to monitor that outcomes are met. It will also identify any changes in care needs, which would result in a reassessment of the person's needs.

**Who is the data subject? Please indicate who will be affected by this project (Tick below all that apply)**

Service Users	<input checked="" type="checkbox"/>	Employees/Contractors	<input type="checkbox"/>	Suspected offenders	<input type="checkbox"/>
Suppliers	<input checked="" type="checkbox"/>	Advisors/consultants	<input type="checkbox"/>	License/permit holders	<input type="checkbox"/>
Offenders	<input type="checkbox"/>	Benefits recipients	<input type="checkbox"/>	Inspected persons	<input type="checkbox"/>
Claimants	<input type="checkbox"/>	Carers ( & Reps)	<input checked="" type="checkbox"/>	Those captured on CCTV	<input type="checkbox"/>
Students/pupils	<input type="checkbox"/>	Incident witnesses	<input type="checkbox"/>	Employees of other organisations	<input type="checkbox"/>
Landlords	<input type="checkbox"/>	Complainants (& Reps)	<input type="checkbox"/>	Holders of Public Office	<input type="checkbox"/>

Other:

**How many individuals are you processing the data of?**

1 – 100	<input type="checkbox"/>	101 – 1000	<input checked="" type="checkbox"/>	1000+	<input type="checkbox"/>	Other Insert	
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**With what frequency will you be processing the data?**

Ad hoc	<input type="checkbox"/>	Daily	<input checked="" type="checkbox"/>	Weekly	<input type="checkbox"/>	monthly	<input type="checkbox"/>	annually	<input type="checkbox"/>
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**What geographical area will the processing cover?**

**Borough of Bracknell Forest**

**Please indicate which of the following personal data (PD) will be used**

Forename	<input checked="" type="checkbox"/>	Surname	<input checked="" type="checkbox"/>	Postal address	<input checked="" type="checkbox"/>	Post code	<input checked="" type="checkbox"/>
Email address	<input checked="" type="checkbox"/>	Age	<input checked="" type="checkbox"/>	Date of Birth	<input checked="" type="checkbox"/>	Gender	<input checked="" type="checkbox"/>
Mobile Number	<input checked="" type="checkbox"/>	Telephone Number	<input checked="" type="checkbox"/>	NI Number	<input type="checkbox"/>	NHS number	<input checked="" type="checkbox"/>
Unique ID number (e.g. Mosaic ID)	<input checked="" type="checkbox"/>	Online identifier (IP address etc.)	<input type="checkbox"/>	Voice recording	<input type="checkbox"/>	Image (photo or video of person)	<input checked="" type="checkbox"/>
Personal financial details	<input type="checkbox"/>	No personal data held	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

Other: manual handling risk assessment, next of kin (name and contact details), relevant incidents and accidents, complaints and compliments

**Please indicate which of the following special category data (SCD) will be used**

Criminal allegations convictions or offences (if relevant to the care)	<input checked="" type="checkbox"/>	Data concerning health information	<input checked="" type="checkbox"/>	Data concerning sex life or orientation	<input type="checkbox"/>	Religious or philosophical beliefs	<input checked="" type="checkbox"/>
Political opinions	<input type="checkbox"/>	Racial or ethnic origin	<input checked="" type="checkbox"/>	Biometric data	<input type="checkbox"/>	Genetic data (in relation to sharing details on hereditary health issues)	<input type="checkbox"/>
Trade Union membership	<input type="checkbox"/>	No special category data	<input type="checkbox"/>				

**Please indicate in which formats this data will be collected, stored and shared?**

Audio Tape/Cassette	<input type="checkbox"/>	Digital document (e.g. Spreadsheet or word doc)	<input checked="" type="checkbox"/>	Digital image	<input checked="" type="checkbox"/>
Digital Video/CCTV images	<input checked="" type="checkbox"/>	Electronic system (e.g. Mosaic, Total Mobile, BMS)	<input type="checkbox"/>	Emails	<input checked="" type="checkbox"/>
Paper documents	<input checked="" type="checkbox"/>	Web content	<input type="checkbox"/>	Film/X-Ray	<input type="checkbox"/>
Microfilm	<input type="checkbox"/>	Network Drive (e.g. G or U drive)	<input type="checkbox"/>	Video tape/DVD	<input type="checkbox"/>
Other	<input type="checkbox"/>	(Please indicate):			

<b>Will any third parties (i.e. non-BFC teams staff etc.) have access to / be processing data as part of this project initiative?</b>		
<b>If yes, please provide roles and organisation</b>	<b>Yes</b> <input checked="" type="checkbox"/>	<b>No</b> <input type="checkbox"/>
<b>Service Providers – sharing information between BFC and service provider in order to provide the care and support required by the individual, with their consent. The service provider may also share information with their regulatory body, Care Quality Commission, health professionals, next of kin, in accordance with legislative requirements.</b>		

<b>Please describe the data flows within this project. How is the data sent/shared (in what format) and who receives it? What type of data is transmitted - personal (= PD); Special Category (= SCD); law enforcement (= LED); Where BFC is the receiver / sender name the team. Where a third party is the sender / receiver, name the organisation(s). Please fill out the data flows sections below (adding extra lines where necessary) or insert a data flow map.</b>				
<b>Incoming data flows (i.e. to BFC) - Tick box if there are none</b>				<input type="checkbox"/>
<b>Sender Name</b>	<b>Document type / Data format</b>	<b>Data type</b>	<b>Method of sending</b>	<b>Receiver Name</b>
To be confirmed with service providers on the framework, after contract award	Email SharePoint file (TBA)	SCD	By email/phone/in person/ Sharepoint (TBA)	Adult social care teams, Access to Resources, Commissioning team
To be confirmed with service providers on the framework, after contract award	Email SharePoint file (TBA)	PD	By email/phone/in person/ Sharepoint (TBA)	Adult social care teams, Access to Resources, Commissioning team
		Choose an item.		
<b>Internal data flows (i.e. within BFC) - Tick box if there are none</b>				<input type="checkbox"/>
<b>Sender Name</b>	<b>Document type / Data format</b>	<b>Data type</b>	<b>Method of sending</b>	<b>Receiver Name</b>
Adult Social Care teams, Access to Resources, Commissioning Teams	Email Documents	SCD	Email/phone/in person/hard copy documents	Adult Social Care teams, Access to Resources, Commissioning Teams
Adult Social Care teams, Access to Resources, Commissioning Teams	Email Documents	PD	Email/phone/in person/hard copy documents	Adult Social Care teams, Access to Resources, Commissioning Teams
		Choose an item.		
<b>External data flows (i.e. out of BFC) - Tick box if there are none</b>				<input type="checkbox"/>
<b>Sender Name</b>	<b>Document type / Data format</b>	<b>Data type</b>	<b>Method of sending</b>	<b>Receiver Name</b>
Adult Social Care teams	Emails, documents	SCD	Email, post, phone/in person (at meetings)	Service Provider/s on framework and spot providers

		Choose an item.		
<p><b>Any comments about data flows:</b>  <b>The final data flow will be developed and finalised with the service providers on the framework after contract award, as it may depend on their proposed operating models.</b>  <b>There may be occasions that the data received from the provider / generated internally, will need to be shared around safeguarding issues (as per duties outlined in the Care Act 2014). This process is covered by the respective Safeguarding Board information sharing protocol.</b></p>				

<b>Is any Personal Data being held in / transferred to outside the European Economic Area (EEA) – this includes servers outside the EEA?</b>		
<b>If yes, please provide details:</b>	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" type="checkbox"/>

<b>Is any further use to be made of the data (i.e. beyond what it was collected for) ?</b>		
<b>If yes, please provide details:</b> The service providers will be required to provide data reporting as part of the contract monitoring detailed in the contract, but this will be anonymised whenever possible, and to their registration inspection, Care Quality Commission. It will also be used as appropriate for equality and diversity purposes.	<b>Yes</b> <input checked="" type="checkbox"/>	<b>No</b> <input type="checkbox"/>

<b>Describe the training employees/users will receive to support new ways of working/system. What supporting materials/guidance will be available for employees / users?</b>
The council provides appropriate training to staff, for example, through its e-learning system, coaching, and formal training sessions. This includes LAS training, which is mandatory before access is granted to the system, due to the sensitive nature of the information it contains. This is supported through relevant materials, processes and guidance, and at 1:1

<b>Confirm that there is a process in place for ensuring that personal data is accurate and is reviewed where necessary</b>
There are numbers of way information is updated. This could be through annual reviews and other contact with service users and relatives/carers.

<b>Describe how you will minimise the collection and use of personal data</b>		
<b>Is the data being obtained the minimum amount necessary to achieve the objectives (i.e. necessary and proportionate)</b>	<b>Yes</b> <input checked="" type="checkbox"/>	<b>No</b> <input type="checkbox"/>
<b>Will pseudonymisation or anonymisation be put in place (i.e. technical measures to de-identify personal data)?</b>	<b>Yes</b> <input checked="" type="checkbox"/>	<b>No</b> <input type="checkbox"/>
<p><b>Comments:</b>  During the mobilisation period for the framework, there will be discussions on the level of personal data to be collected in order to deliver the service. these discussions will also include the level of security that will be in place to protect all personal data held, and how it will be shared e.g. use of secure emails</p>		

<b>How will you ensure the data is only kept as long as necessary and in line with the BFC Retention Schedule <a href="#">HERE</a>? (e.g. a system may prompt review or auto deletes after so many days etc. or an operational procedure may require manual data deletion.)</b>
Bidders will be expected to complete information on their data protection processes, including data retention. The final process will be agreed during the mobilisation period for the framework.



Internal data will be retained and stored in accordance with the council's retention Schedule and data management and data retention policy. Each team is responsible for the appropriate implementation of the policy, and SharePoint is currently being implemented.

**If this is a new system replacing in whole or part of an existing system, please explain what is happening to the existing system and the data within it.** (Include here details of how the existing system is being decommissioned, who is the named individual responsible for the decommissioning, what is happening to the data (how is it being disposed), and the timescales for the completion of this work.

The framework will be replacing current arrangement for the Community Based Support framework and spot contracts.  
It is hoped that all current service providers of domiciliary care will apply for the framework, and be successful. Where this is the case, people will remain with their existing providers, so there will not be a need to exchange information.  
In the event that any service providers do not bid, or are not successful, discussions will be held with these providers to agree how any information will be shared with incoming providers. It should be noted, that people will be offered the option of a direct payment if they would prefer to remain with their existing providers, rather than transfer to a new service provider. This may reduce the level of information sharing as part of this project

### Information Asset Register

Will entries relating to Information Assets and Data Flows need to be added / updated as a result of this project / initiative?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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**If NO, please state rationale and if YES please give details and timeframes:**

The relevant section in the council's Retention and Disposal policy is AS2.3. This does not need updating as this project is not for a new service. We are only replacing something we are already doing. However, the processing will be recorded in the Council's Record of Processing Activities (ROPA) – link: [Access to Information - ROPA - All Documents \(sharepoint.com\)](#)

### Consultation

<b>Have you consulted with individuals (e.g. via user groups) about the new / change to processing of their data either discreetly or as part of project / initiative consultation?</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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**Comments** - describe the methods of consultation but if not, why have you not consulted:  
As part of the project the council will consult with people who receive services. This is still in the planning stage, and no dates or agendas have been set at the time of completing this DPIA, however, we do not anticipate any changes to the way people's data is processed, but this will be kept under review.

### Individual Rights – note where not applicable record N/A in comments section

<b>To be Informed - Will individuals know what you're doing with their personal data at the outset?</b> (this is typically done via a privacy notice)?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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**If so, how** (include details of plans to revise / draft privacy notice(s) or confirm the processing is covered in the **BFC Corporate Privacy Notice?**  
In accordance with BFC Corporate Privacy Notice.  
Will be discussed with service providers during the mobilisation period, between Jan 21-Mar 21

<b>To have access to their data – Will you be able to produce copies of data for individuals if they request access to their data?</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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<b>If so, how?</b> In accordance with BFC Corporate Privacy Notice. Will be discussed with service providers during the mobilisation period, between Jan 22-Apr 22		
<b>To have their data erased - Will you be able to erase people's data</b> (note: this right will only apply in limited circumstances?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>If so, how?</b> In accordance with BFC Corporate Privacy Notice. Will be discussed with service providers during the mobilisation period, between Jan 22-Apr 22		
<b>To object to / restrict their data being processed - Will you be able to temporarily / permanently stop processing an individual's data</b> (note: in limited circumstances processing may have to be suspended / ended)?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>If so, how?</b> In accordance with BFC Corporate Privacy Notice. Will be discussed with service providers during the mobilisation period, between Jan 22-Apr 22		
<b>To have their data corrected - Will you be able to correct an individual's data to make it accurate?</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>If so, how?</b> In accordance with BFC Corporate Privacy Notice. Will be discussed with service providers during the mobilisation period, between Jan 22-Apr 22		
<b>To challenge automatic decision-making (including profiling) and have the decision reviewed</b> (i.e. human intervention?)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>If so, how?</b> In accordance with BFC Corporate Privacy Notice. Will be discussed with service providers during the mobilisation period, between Jan 22-Apr 22		
<b>To data portability – to request a copy of their data in a structured, commonly used and machine readable format</b> (note: this right will only apply in limited circumstances)	Yes <input checked="" type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>If so, how?</b> In accordance with BFC Corporate Privacy Notice. Will be discussed with service providers during the mobilisation period, between Jan 22-Apr 22		

#### 4. Information Technology & Security – to be completed in conjunction with the assigned ICT officer (designated through Business Partner)

<b>Technology, systems and software</b>		
<b>Will the project introduce new or amend existing technology, systems or software?</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>If yes, what will be used</b>		
<b>Are you using automated processing systems for criminal law processing?</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

## ICT Security Questionnaires

Please tick **ONE** of the following boxes to indicate which of the ICT security questionnaires apply (one will apply to all projects with an ICT component). These questionnaires [which can be found ..... are intended to detail the technical security that is / will be in place to protect the data. When you have completed the relevant questionnaire, embed it in the supporting documents section.

If you have not completed one of the questionnaires, please consult your ICT business partner for support

<b>Externally Hosted Application Questionnaire completed &amp; embedded –</b> required where a system or application used by BFC is hosted by an external organisation/service provider, or if it is Cloud/Internet based (to be completed by the provider) <b>N/A</b>	<input type="checkbox"/>
<b>Third Party Processing Questionnaire completed &amp; embedded –</b> required where data processing activities are completed by employees from a third party organisation (generally as part of outsourcing a business function) - to be completed in conjunction with the third party <b>N/A</b>	<input type="checkbox"/>
<b>Internal System Security Assessment completed &amp; embedded -</b> If the system or application used is run by BFC ICT Services - to be completed in conjunction your ICT Business Partner (or their nominee) <b>N/A</b>	<input type="checkbox"/>

There is no BFC/IT aspect to this DPIA. The service provider of the service will use a system that will be entirely separate to any systems used by BFC

## ICT engagement / support and approval

<b>Has an BFC ICT Business partner been involved in developing this proposal?</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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**If YES, name the ICT Business Partner:**

**If NO, please consult your ICT Business Partner before progressing if there is an ICT aspect to the project / initiative.**

ICT comments from Elise Battison: *Whilst there is no new system introduced from our perspective you will need to ensure that those on the framework follow best practice with regards to data security for any information they are holding on clients and specify our expectation on their data security and data retention. This will be covered by the Data Sharing Agreement.*

## Systems Operating Procedures

This section explores the documented controls in place for a business system or discreet use of a business system (e.g. the general BFC meeting rooms system being used and reconfigured for use by a particular service).

All BFC information systems must have a system owner – see [BFC system owner role descriptor](#).

Information systems should have standard operating procedures for administering a system to ensure that they are understood, assigned to the right staff and can be applied consistently. A template can be found [HERE](#).

A good practice example is available from the DPO [bob.miller@bracknell-forest.gov.uk](mailto:bob.miller@bracknell-forest.gov.uk)

<b>Is this is a DPIA for a business system / discreet use of a business system</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>If yes, who is the system owner (name &amp; role)</b>	n/a	
<b>Is there a system manager / administrator (name &amp; role)</b>	n/a	
<b>Are there documented system operating procedures setting out the controls in place to use the system (e.g. user access control etc) – N/A</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>Do these cover all of the essential requirements included in the template document referenced above – N/A</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Have these documents been embedded where they exist)? N/A	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If not, please explain: N/A		
If there are no or only partial system operating procedures, please explain what plans are in place to address this gap (include timelines and action owners)? N/A		
Is access to the system confined to only those that have a business need to see the data? N/A	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Comments: No council information systems are involved in this project. Any information system used will be wholly owned and operated by the service providers on the framework		

<b>ICT comments (to include any risks, the severity of those risks and recommended mitigations)</b>			
There are no links between BFC and service providers IT systems, however the business should ensure that providers meet best practice guidelines for the systems as part of due diligence.			
ICT sign off name	Elise Battison	Date of sign off	30/11/2020

## 5. Procurement – to be completed in conjunction with the appropriate Category Manager in Central Procurement

<b>Procurement Details</b>			
Will the project / initiative involve a procurement / tender exercise?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If YES, please complete the remainder of this section with support from Category Managers. If NO, please proceed to next section			
When do you expect the procurement exercise to commence?		11/02/2021	
Will this process follow the standard BFC procurement process & contracting in relation to data protection?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If NO, why and what equivalent controls will be in place?			
<b>To be completed in the post-procurement DPIA review.</b>			
Contract start date	01/09/2021	Contract end date	31/08/2025
Supplier Name		Accredited	
Supplier Name(s) and whether they are accredited to a recognised Code of Conduct (e.g. ISO27001; Cyber Essentials etc.). Add additional entries as required for framework contracts/ 'lot' winners.			
Not known at this stage, as procurement has not started			

<b>Procurement comments (to include any risks, the severity of those risks and recommended mitigations)</b>			
To ensure GDPR compliance successful bidders processes must be reviewed and appropriate data sharing agreements issued.			
Procurement sign - off	K D Ayers – by email	DATE	06/05/2020

## 6. Legal Basis for processing - To be completed with guidance from Legal Services if necessary

**What is the legislation / authority under which you provide a service that gives rise to the need for the processing of personal data** (e.g. Children Act (1989), Children Act (2004), Localism Act (2011), Crime and Disorder Act (1998), Fire and Rescue Services Act (2004), Data Protection Act (2018), Human Rights Act (2018), Health and Social Care Act 2012 (as amended by the Health and Social Care (Safety and Quality) Act 2015).

Care Act 2014

### Legal basis for processing

Personal Data		Special Categories of Personal Data	
Consent	<input type="checkbox"/>	Explicit Consent	<input type="checkbox"/>
Contracts	<input type="checkbox"/>	Employment, Social Security, Social Protection law	<input type="checkbox"/>
Legal Obligation	<input type="checkbox"/>	Vital interests where the data subject is incapable of giving consent	<input checked="" type="checkbox"/>
Vital interests	<input checked="" type="checkbox"/>	Not for profit organisation	<input type="checkbox"/>
Task in the public interest / under official authority	<input checked="" type="checkbox"/>	Made public by the data subject	<input type="checkbox"/>
Legitimate interest (only applicable in limited circumstances).	<input type="checkbox"/>	Legal claims/judicial	<input type="checkbox"/>
		Substantial public interest -Please detail the appropriate condition(s) for processing under Schedule 1 of the Data Protection Act 2018	<input type="checkbox"/>
		Medicine/Employee capacity, medical diagnosis, health or social care where the processing is carried out under the responsibility of a health / social work professional or another person who owes a duty of confidentiality.	<input checked="" type="checkbox"/>
		Public Health	<input type="checkbox"/>
		Archiving, Scientific and Historical Research or Statistical Purposes in the public interest	<input type="checkbox"/>

**Consent – consent will only be the basis for processing in exceptional circumstances (Follow this [link](#) to view the BFC procedure for obtaining and managing consent).**

Is the data processing carried out on the basis of consent? Yes ☒ No ☐

**Comments – in accordance with BFC relevant policies we will seek consent but that will be under common law rather than data protection law**

### Legal Services comments

Has Legal Services been consulted on the DPIA? Yes ☒ No ☐

Name of lawyer: *Bob Miller 18/12/20*

If NO why?

Is Legal Services content with the stated Legal Basis for processing in the context of the details within this form? Yes ☒ No ☐

**Legal comments / advice (to include any risks, the severity of those risks and recommended mitigations)**

## 7. Risk Review – To be completed by business owner with support from Audit and Risk Management Team

The following is the Council's risk assessment matrix. It combines a risk rating from low to very high, derived from a combination of the likelihood of a risk occurring, coupled with the impact if it does. It, and the Likelihood and Impact scoring guides below should be used to assign pre and post mitigation risk scores in the risk log in the following section.

### APPENDIX 2 RISK MATRIX

LIKELIHOOD	5	Medium	High	High	High	High
	4	Medium	Medium	High	High	High
	3	Low	Medium	Medium	Medium	High
	2	Low	Low	Low	Medium	Medium
	1	Low	Low	Low	Low	Medium
		1	2	3	4	5
IMPACT						

#### Likelihood:

- 5 Very High
- 4 High
- 3 Significant
- 2 Low
- 1 Almost Impossible

#### Impact:

- 5 Catastrophic 80%+
- 4 Critical 51% – 80%
- 3 Major 21% – 50%
- 2 Marginal 6% – 20%
- 1 Negligible 0% – 5%

The risk log below should detail privacy risks that the project/initiative may give rise to; mitigations with completion dates; pre and post-mitigation risk ratings and mitigation action owners (i.e. the name of the person who is responsible for carrying out the actions required to mitigate the risk(s). The Information Asset Owner / Project Sponsor etc. will be accountable for ensuring the mitigations are completed. Mitigating actions should be incorporated in project plans.

**This information should be incorporated into the project plan/ proposal documentation**

**KEY:** L = Likelihood of the risk occurring I = Impact of the risk occurring [see BFC risk matrix to apply scoring 1 to 5 in each case to drive a score]

#	Risk Description  There is a risk that .... Giving rise to ....	Pre-Mitigation			Mitigating Action(s) and Action Owner (i.e. who is responsible for the action)	Due Date	Status	Post-Mitigation		
		L	I	Risk				L	I	Risk
e.g.	Mobile equipment (laptops) will be lost resulting in loss of / unauthorised access to personal data	4	5	H	Laptops to be encrypted by ICT prior to roll-out. Reporting system for lost equipment in place: Owner: Mandy Jones	30/9/18	Live	2	4	M
e.g.	Data will be accessed by people who are not authorised to view it resulting in increased privacy risks	5	3	H	Access controls to be set within CareCounts system and administered by X. Reports will be generated every X months and access will be checked by Y with action taken accordingly. Owner: Bob Smith	31/12/18	Live	2	3	L
1	Laptops or mobile phones may be lost resulting in the loss of, and/or unauthorised access to personal data	3	4	M	The service provider will be required to operate a high level of security on all IT equipment, including encryption and high level of password protection Owner: Service provider	1/4/22	Live from mobilisation	3	1	L
2	The service provider has ICO enforcement notices or decision notices issued against them	2	4	M	The service provider will be on an approved framework which means that they would have already undergone due diligence exercise by way of a pre-selection questionnaire. In addition, the council to exercise due diligence by way of screening questions directed at potential insurance providers during the procurement process. The council to check ICO website for ICO enforcement	1/4/22	Live from mobilisation	1	3	L

					notices or decision notices before offering a contract to successful bidders					
3	The service provider fails to exercise good data protection practices putting the service users personal and sensitive data at risk	2	4	M	The council to undertake a risk assessment of tenderers to ensure that they exercise good data protection practices, for example, ensuring staff undergo GDPR training and to enter into a data sharing agreement/contractual agreement with the provider	1/4/22	Live from mobilisation	1	3	L
4	The TUPE personal data transferred from outgoing service to the council is to be forwarded to bidders to assist bidders to determine whether they want to make a bid. The bidder fails to comply with the GDPR and/or Data Protection Act 2018 or commits a data breach putting employee personal data at risk and damaging the councils corporate reputation	3	5	H	Bidders are required to sign a data processing agreement which will include a confidentiality clause. The risk will be further reduced, as the hope is that all current providers will apply to be on the framework. Where this happens, and the provider is successful, this will reduce the level of TUPE information that could apply	1/4/22	During procurement stage	2	3	L
5										
6										
7										
8										
9										




## 8. Sign-Off, Advice and Approvals

### Sign-off by Business Owner

This DPIA is an accurate account of the project / initiative and Data Protection and Security measures that will be applied. Outstanding risk mitigations will be incorporated into project plan.

#### Comments:

<b>Name</b>	Alison Cronin	<b>Date</b>	18/12/2020
<b>Signature</b>			


### DPO Advice

The DPO's advice is based on an assessment of the DPIA and whether proportionate and appropriate technical and organisational measures have been put in place to uphold an individuals' right to privacy.

#### Recommendation, comments and sign-off

Approve DPIA as drafted	<input checked="" type="checkbox"/>	Defer pending further risk mitigation	<input type="checkbox"/>
Reject DPIA as drafted	<input type="checkbox"/>	Refer to ICO	<input type="checkbox"/>

#### DPO comments / advice (including date for review):

<b>Name</b>	Bob Miller	<b>Date</b>	18/12/2020
<b>Signature</b>			

### SIRO/Caldicott Guardian decision

Before signing the DPIA, the SIRO/Caldicott Guardian must ensure that they have considered advice of the Data Protection Officer (DPO) and are satisfied that the impact assessment is robust, has addressed all the relevant issues and that appropriate actions have been taken. Where the advice of the DPO has not been accepted, the rationale should be set out below.


#### Decision, comments and sign-off

<b>Have you considered and accepted the DPO's advice</b>	<b>Yes</b> <input checked="" type="checkbox"/>	<b>No</b> <input type="checkbox"/>
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#### If NO, please record rationale:

Approve as drafted	<input type="checkbox"/>	Approve subject to conditions below	<input type="checkbox"/>
Defer pending further risk mitigation	<input type="checkbox"/>	Reject as drafted	<input type="checkbox"/>
Refer to ICO	<input type="checkbox"/>		


#### Comments:

<b>Name:</b>	Kevin Gibbs	<b>Date:</b>	12/01/2021
<b>Signature:</b>		<b>By email: 12/01/2021</b> <b>Copy embedded (section 9 below)</b>	

DPIA approval details logged on the DPIA tracker	<a href="#">Click here to enter a date.</a>
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## 9. Supporting Documents *[insert relevant documents]*

The business owner Project Manager should embed relevant documents in this section.

Document	Title/Summary
<b>DPIA supporting documents</b>	
Summary DPIA	 Summary%20data%20protection%20imp
<b>DPIA Checklist [DPO to embed] DPO to add</b>	[Embed Doc]
<b>Legal</b> Including: Information Security Questionnaires; Privacy Notices, Consent Forms, Information Sharing Agreements, Data Processing Agreements, documentation of suitable safeguards for transfers of personal data to a third country or an international organisation	
<b>To be added once developed</b>	[Embed Doc]
	[Embed Doc]
<b>Project</b> Including: Business cases, PIDs, training documents, procedures	
<b>To be added once developed</b>	[Embed Doc]
	[Embed Doc]
<b>Design &amp; ICT Security</b> Including: Spec, Security Assessments, Network Diagrams etc.	
<b>To be added once developed</b>	[Embed Doc]
	[Embed Doc]
<b>Procurement</b> Including: IG evaluation(s), Contract/Agreement	
<b>To be added once contracts issued and signed</b>	[Embed Doc]
	[Embed Doc]
<b>Approval</b> Where signoff has been conducted by email	
	[Embed Doc]
	[Embed Doc]



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