



DPIA Project Information

Title:

CYPE Direct Payment Support Service

Project ID:


130

Project Timeframe for Data Collection:

In 6+ months

DPIA Screening Questions

Question Number	Question	Answer
1	I understand that, by selecting Yes, I am confirming I am the project manager for the project or activity for which this DPIA screening tool is being carried out.	Yes
2	I understand that by ticking this box I am confirming that I have undertaken the Data Protection Essentials training module on delta.	Yes
3	Is this project a change to an existing process, or is it a new processing activity?	Change to an existing process
4	Has a DPIA for this been previously submitted?	No
5	If a DPIA was submitted - Was legal advice recommended?	Yes
6	When did the planning stage of this project begin?	03/01/2023
7	Is this screening tool for the use of a surveillance camera, including CCTV, dash cam and body worn cameras?	No
8	If Yes - Is this DPIA a proposal for a new deployment, or the expansion of an existing surveillance system?	
9	Which data protection regime will you be processing under?	Data Protection Act 2018 Part 3 UK GDPR
10	Please outline the project including the types of data, software, processors, and how the data will be used	KCC Strengthening Independence Service for Disabled Children and Young People 0-25 currently commissions the CYPE Direct Payment Support Service to an external provider, We are Beams. KCC is Data Controller and We are Beams is the contracted Data Processor. The Service is contracted to support families to receive Direct Payments to arrange care for their child, and this includes their role as employer of the carers.



The new service contract is anticipated to go live in April 2025. This DPIA is being undertaken as a part of the recommissioning planning for the future service. Governance approval will be sought via a Key Decision regarding re-commissioning decisions. This DPIA will inform decision-making and consultation, and engagement.

Direct payments for disabled children and young people are a form of financial assistance made to individuals to meet some or all their eligible support needs. The legislative context is set out in the Children and Families Act 2014, the Care Act 2014, section 117(2c) of the Mental Health Act 1983, and the Care and Support (DP) Regulations 2014.

Direct payments aim to give families and carers more control over their child's care and support and enable them to choose the services that best meet their child's needs. Direct payments are usually made to the parents or carers of the disabled child, who are then responsible for managing the funds and arranging the necessary support. This means that families have more flexibility and choice regarding the level of support their child receives. Children aged 16 and over can receive their Direct payment directly if they have to capacity to manage it independently.

However, there are also challenges associated with direct payments. Some families may need help with the administrative tasks required to receive them and their role as employers. Therefore, KCC commissioned the DCYPS Direct Payment Support service to support families in setting up and managing direct payments and monitoring spend.

The service uses data that includes the following:

- Child and Parent Names,
- Child DOB
- Home Address
- Telephone Number
- Email Address
- Passport Number
- Driving Licence Number
- EU Identity Card

		-Financial Bank Statements
11	Within your project are you planning to:	Combine, compare, or match data from multiple sources?
12	Or are you planning to:	<p>Process sensitive data or data of a highly personal nature?</p> <p>Process personal data on a large scale?</p> <p>Match or combine datasets?</p> <p>Process data concerning vulnerable data subjects?</p>
13	Additional Information	<p>The service shares data and interacts with various KCC departments including Social Care, Finance and Commissioning.</p> <p>The current service capacity is 1280, however, I am unclear from the DPIA guidance whether this constitutes 'large scale' data processing.</p>

DPIA Core Questions

Question Number	Question	Answer
1	What is your project aim?	<p>KCC Strengthening Independence Service for Disabled Children and Young People 0-25 currently commissions the CYPE Direct Payment Support Service to an external provider and plan to recommission once again in April 2025. KCC is Data Controller and the current and future provider will be the contracted Data Processor.</p> <p>KCC has a statutory duty of care to assign a personal budget, referred to as a Direct Payment (DP), to all people who are eligible for support. The legal framework is cited across various legislation. Section 17A of the Children Act 1989, inserted by the 2001 Act, gave councils a duty to offer DP's where there was an assessed need with Childrens Services Act 1989 (legislation.gov.uk). In making direct payments under section 17A of the 1989 Act, councils are subject to the general duty provided by Part 3 of that Act to safeguard and promote the welfare of children in need and to promote their upbringing by their families when making these payments, in precisely the same way as when providing direct services.</p> <p>A DP is the amount of money needed to cover the cost of the support for which a person is eligible. KCC must ensure that people are given relevant and timely information about DP's to decide whether to request a payment and how to use and manage this payment appropriately. The Special Education Needs and Disability (SEND) reforms in 2014 placed a further duty on Education, Health, and Social Care to increase the use of personal budgets, which could be taken as a direct payment, to meet the needs of children and young people with SEND.</p> <p>Data subjects receive support from the service in order to have more control over their own or their child's care and support and enable them to choose the services that best meet their needs.</p> <p>Direct payments are usually made to the parents or carers of the disabled child, who are then</p>

		responsible for managing the funds and arranging the necessary support. This means that families have more flexibility and choice regarding the level of support their child receives. Children aged 16 and over can receive their Direct payment directly if they have to capacity to manage it independently.
2	Are all of the categories of personal data identified in the data question necessary for you to achieve this aim?	Yes, all of these data collection categories are necessary to process referrals, undertake relevant checks and ensure that financial payments are made to service recipients in an efficient manner.
3	What are the categories of data subjects whose data will be processed?	Employees Vulnerable Children and Young People Parents/ Carers Personal Assistants
4	What is the nature of the relationship with the individual?	As a local authority, KCC is in a position of power compared to data subjects
5	Are there any other organisations other than KCC who will be involved in this project?	Processor
6	Please name the organisations and their roles.	Processor: Contracted Service Provider, Microsoft. Using Power Bi, Outlook, Forms, Teams, and SharePoint.
7	Tick to confirm which of the following you have in place with the organisations	Strategic Commissioning's annex 1
8	How will the personal data be collected?	Collected from the individual by another KCC team Collected by an external organisation
9	How will the personal data be collected from the individual?	Paper survey/form Online survey/form Phone call Face to face appointment
10	Will the data be shared with:	Your KCC team Another KCC team

		A contracted service provider
		Other
		NHS Teams Microsoft
11	Do you have a copy of the privacy notice that data subjects will be provided with at the point their data is collected?	Yes
12	Does the privacy notice state that data will be shared with your team for the purpose you will be using it for?	Yes
13	How will the data be shared with your team securely?	KCC Secure email KCC LAS or Mosaic system- secure access
14	What steps will you take to ensure the data you collect and/or use is accurate?	Data is gathered at appointments where close attention is paid to ensuring that the individual understands what data is being collected and the purpose of it. Answers are read back for clarification and assurance that data has been captured accurately. Copies of some documents are shared with individuals as standard and some are shared at their request. The services take steps to ensure the data subject has the capacity to understand what is being collected, the reasons for this and obtain consent from the individual. Where a parent/ carer is acting on behalf of their child/ vulnerable young person, steps are taken to ensure they are the legal guardian with permission to consent on their behalf.
15	In what system(s) will the data be stored?	Outlook SharePoint Teams OneDrive Liberi Mosaic Other Provider Bespoke database (ACT) on their server

16	Where are the servers for the system(s) located?	UK
17	What is the current state of technology in this area?	The technology that is being used has been used for a number of years however there are some newer more innovative technology such as Zoom, MS Teams and Power BI that have been used in more recent years.
18	How will the security of the data be ensured when it is transferred outside of the UK?	Not applicable, the data will only be stored on servers (including back-up servers) in the UK
19	How will the security of the data be ensured in transit and at rest?	<p>Paper files will be stored in locked storage in a KCC office</p> <p>Paper files will be stored in a lockable briefcase when in transit</p> <p>Users will have different levels of access to ensure only people who need to access the data have access to it</p>
20	Are there any prior concerns over this type of processing or any security flaws	None that we are aware of.
21	Please tick to confirm the following statement is true:	I am assured that the personal data being processed in this project is protected in transit and at rest from unauthorised access and loss.
22	Describe how the personal data will be used to achieve your project aim	Please see appendix 1 for the data flow relating to the service.
23	How long will the data be retained for?	<p>We have consulted with Elizabeth Barber Records Manager in Information Resilience & Transparency Team, Governance, Law & Democracy who has advised what data needs to be retained and what does not.</p> <p>The financial data relating to Direct Payments needs to be retained for 6 years.</p> <p>No other operational service data is required to be stored by KCC as operational case notes are not required as there are existing escalation routes to raise concerns to the social worker and protocols in place surrounding this e.g. safeguarding.</p>
24	Is the same retention period cited in all documentation?	Yes
25	At the end of the retention period will the data be:	Deleted by processors

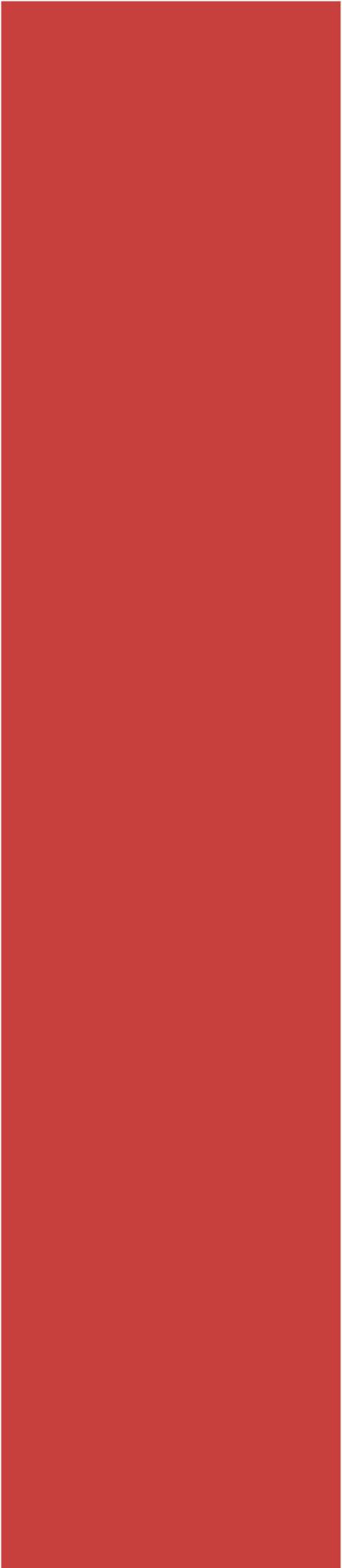
		Deleted
26	What processes do you have in place to ensure that the retention period is adhered to?	<p>We will have a process in place to ensure we know when the retention period ends</p> <p>We will keep a record of what happens to the data at the end of the retention period</p> <p>We will make sure a member of the team has responsibility for the steps to be followed</p> <p>Our contract with our processor(s) include a requirement for the processor to return the data to KCC at the end of the contract</p> <p>Our contract with our processor(s) includes a requirement for the processor to provide a certificate of destruction of the personal data they hold at the end of the retention period</p>
27	Please tick to confirm the following statement is true	I am assured that there are adequate processes in place to ensure retention periods are adhered to, in line with the Article 5 principle of storage limitation in the UK GDPR
28	Is there a KCC privacy notice for this use of personal data?	There is a published KCC privacy notice for this use of personal data
29	Please link to the draft/ published privacy notice	<p>SEND Privacy Notice:</p> <p>https://www.kent.gov.uk/about-the-council/information-and-data/access-to-information/gdpr-privacy-notices/education/sen</p> <p>Disabled Children and Young People’s Service privacy notice:</p> <p>https://www.kent.gov.uk/about-the-council/information-and-data/access-to-information/gdpr-privacy-notices/adult-social-care-and-health/disabled-children-and-young-peoples-service-privacy-notice2</p>
30	Is there an easy read privacy notice for this use of personal data?	There is a draft easy read privacy notice for this use of personal data
31	How will you ensure data subjects read the privacy notice and understand how their data will be used at the point of data collection?	<p>We will link to the privacy notice on our webpages</p> <p>We will read a script and inform them of where to access the privacy notice online</p>

		We have an easy read privacy notice
32	How will you support data subject rights	<p>We are in discussions with CYPE Information Governance Lead to develop Easy Read versions of the privacy notice.</p> <p>Consent is obtained from the data subjects and conversations take place around their rights at the time of the consent form. This DPIA has highlighted amendments that may be required to the form to make it clearer to the data subjects about their rights and to ensure data sharing with KCC is clearer.</p>
33	What measures will you put in place to prevent data being used beyond the purposes outlined in your privacy notice?	<p>Ensure those with access to the data have read the privacy notice and are aware of the purposes it has been collected for</p> <p>Limit access to the storage location to only those who require access for specified purposes</p>
34	Are there any current issues of public concern that you should factor in?	None.
35	Consultation: Please summarise the responses of data subjects you have consulted with on the topic of this project.	We have undertaken several service recipient surveys to ascertain data subjects' views on service delivery in recent years and most recently in July 2023. The current contracted provider also undertakes annual surveys.
36	Consultation: ICT Compliance and Risk	<p>We have consulted with James Church and Terence Castle about ICT Risk and Compliance.</p> <p>The actions completed in relation to this are:</p> <ul style="list-style-type: none"> - Completed the Cyber Security Assurance Risk Assessment - Ensure that the draft service specification has a section on ICT Compliance and Risk including the need for Cyber Essentials - We will use a detailed risk assessment of ICT in our evaluation of tenders for shortlisted candidates. This will be reviewed by ICT Compliance & Risk at the SSQ stage of the tender.
37	Consultation: Please summarise the Caldicott Guardian's response and any recommendations	Katherine Atkinson Assistant Director, Management Information and Intelligence, is the Caldicott Guardian representative for CYPE and will have final sign off of this DPIA.

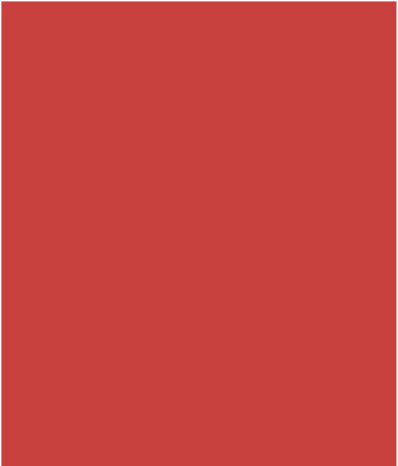
38	<p>Consultation : please summarise the responses and recommendations of any other individuals or organisations you have consulted with.</p>	<p>We have undertaken several core steering groups: with the following stakeholders:</p> <p>Sharon Howard- Assistant Director of Disabled Children and Young People Dawn Morris- Disabled Children and Young People Area Manager - East Kent Clare Lawrence- Disabled Children and Young People Area Manager - West Kent Rosemary Hen -Macrae- Lifespan Pathway Development Lead Karen Stone - Revenue Finance Manager (0 - 25 services) Rachel Keen- SEND Lead SLT Linda Widnall- NHS ICB Lead Personal Health Budget Coordinator Wendy Morse- Solicitor and Legal Commissioner</p> <p>We have also engaged with the current data processors, the contracted service provider.</p> <p>At no point within any of the consultations have any issues in relation to data sharing been raised.</p>
39	<p>Are you signed up to any approved code of conduct or certification scheme?</p>	
40	<p>When is the processing of personal data for this project due to begin?</p>	<p>Other</p>

Data Collection

Data Category	Data being Collected
Basic Data	Name
	Date of birth
	Email address
	Telephone/mobile number
	Address
	Postcode
	National Insurance Number
	Financial Information
	Identification number
	Name
	Name
	Date of birth
	Email address
	Telephone/mobile number
	Address
	Postcode
	National Insurance Number
	Financial Information
	Identification number
	Name
	Date of birth
	Email address
	Telephone/mobile number
	Address



Postcode
National Insurance Number
Financial Information
Identification number
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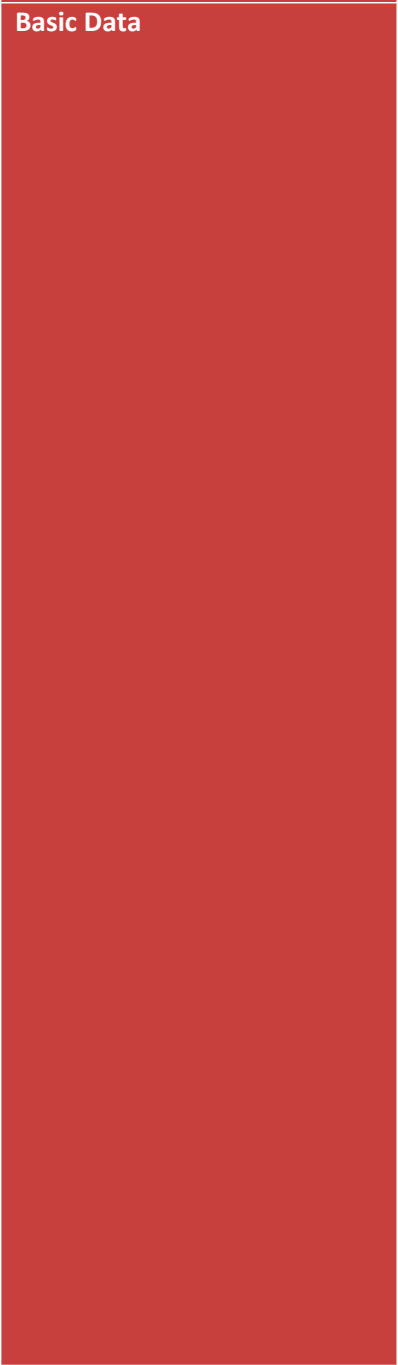
Address

Postcode

National Insurance Number

Financial Information

Identification number



Basic Data

Name

Date of birth

Email address

Telephone/mobile number

Address

Postcode

National Insurance Number

Financial Information

Identification number

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Name

Date of birth

Email address

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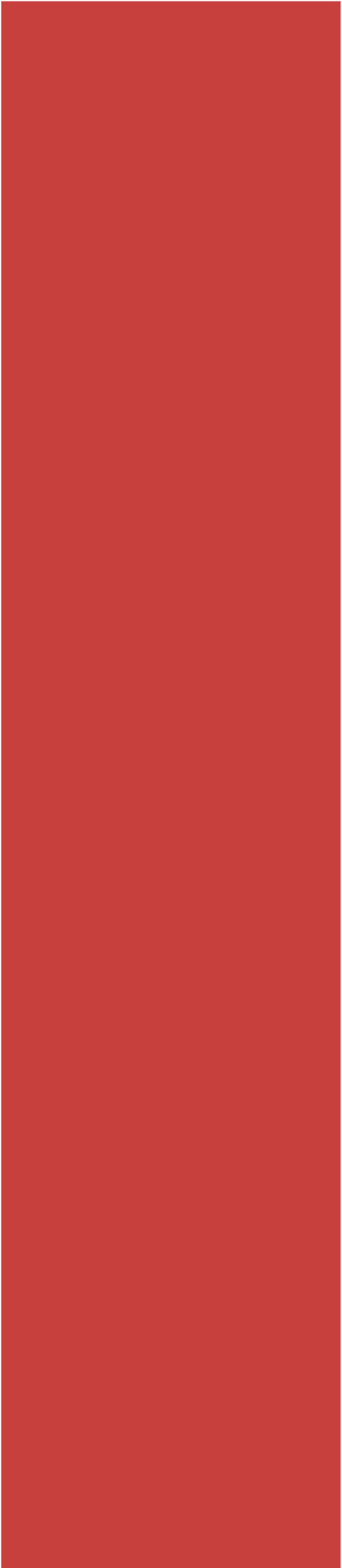
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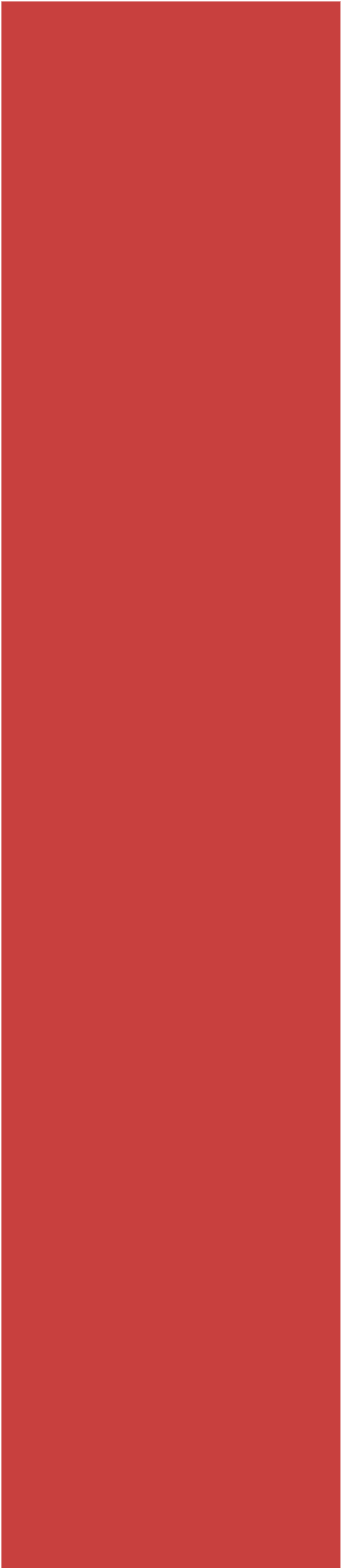
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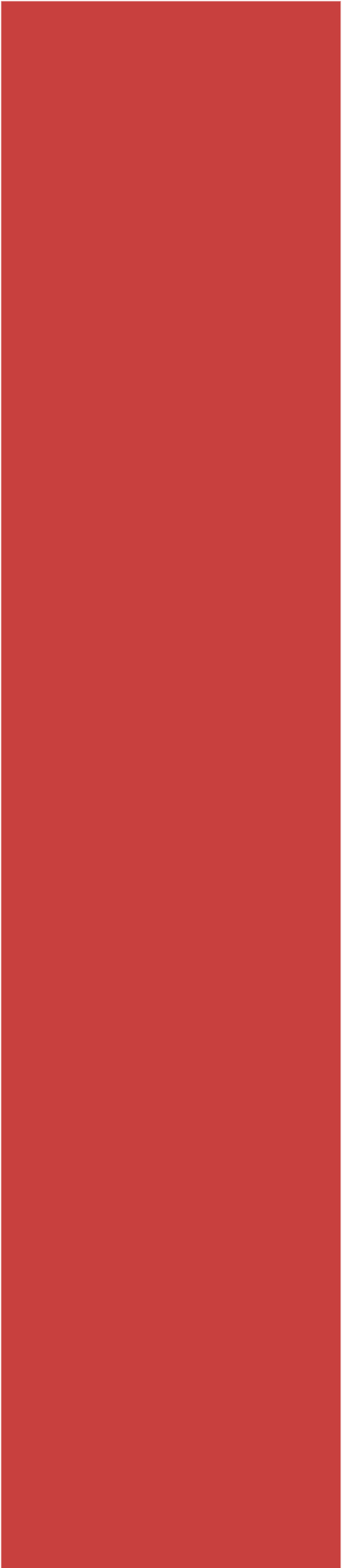
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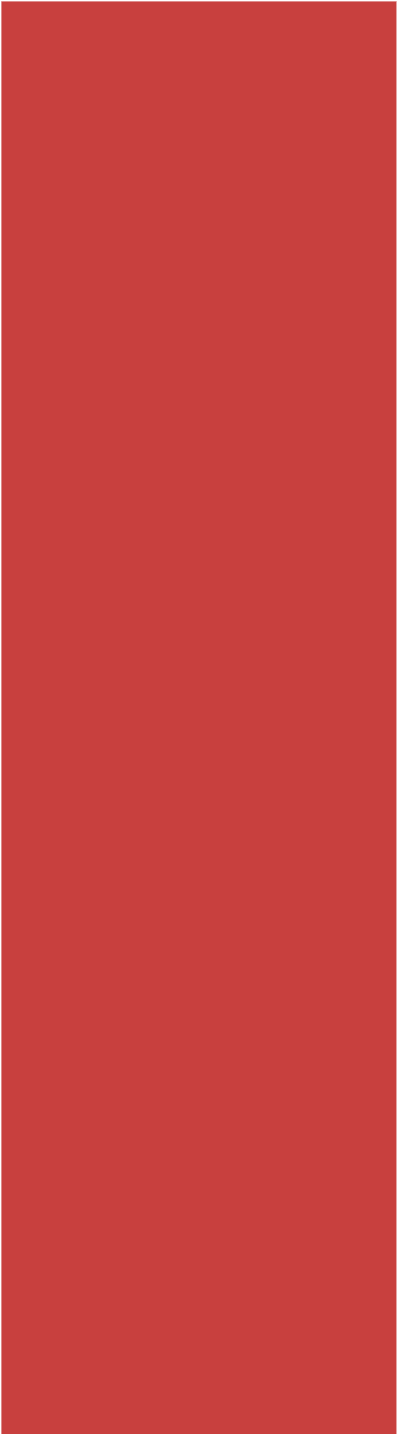
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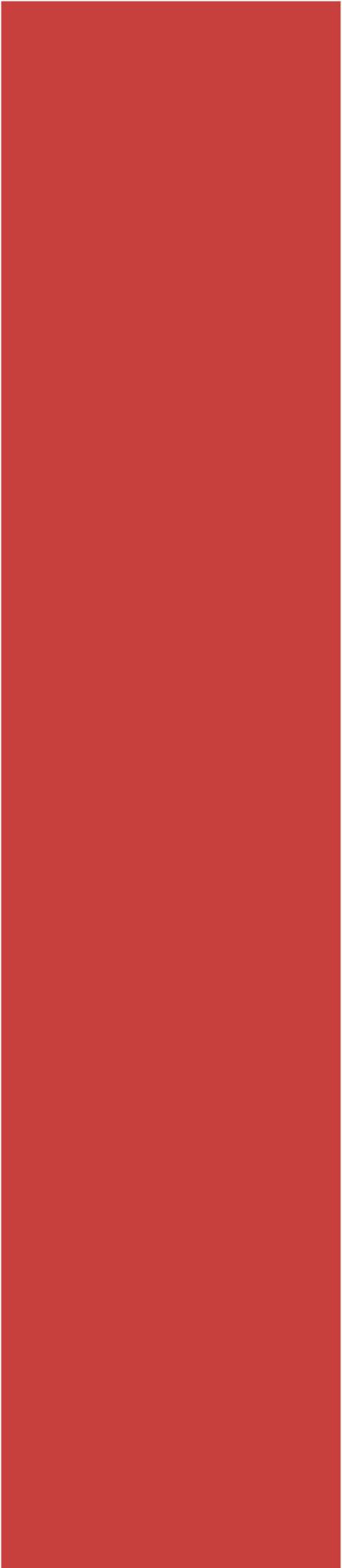
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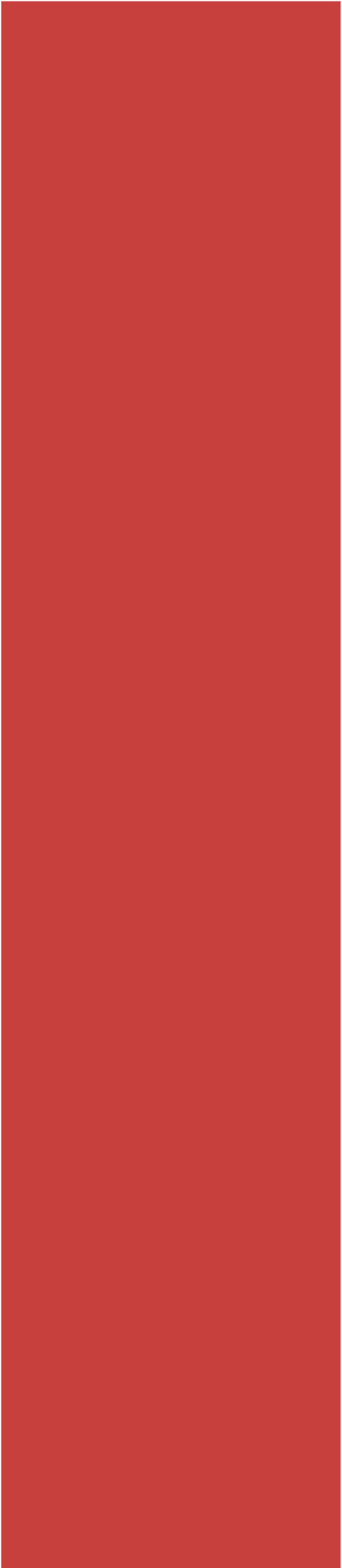
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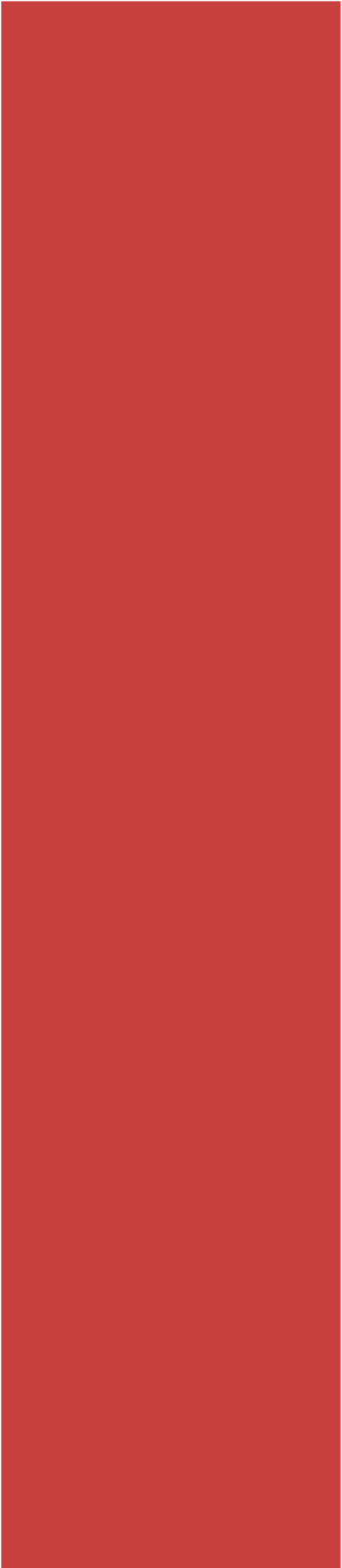
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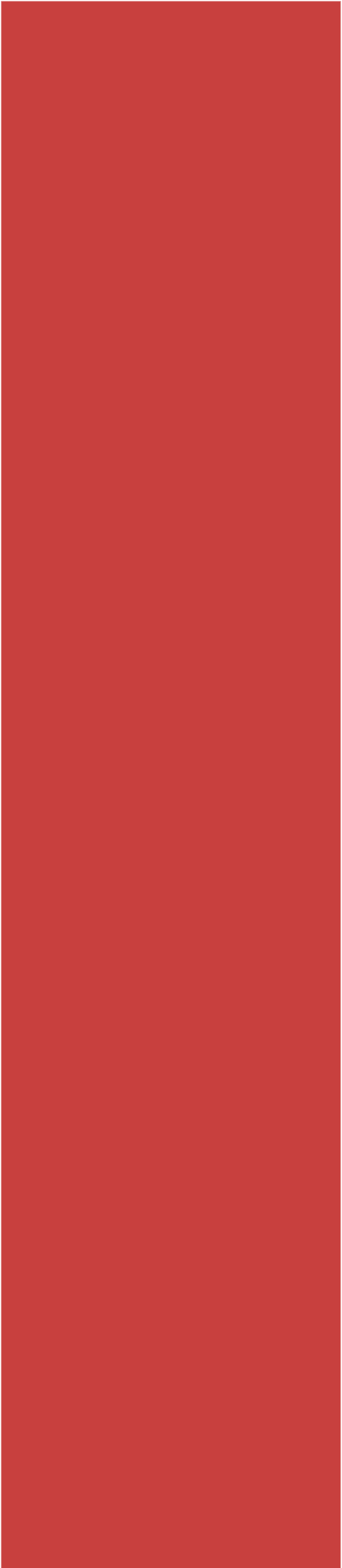


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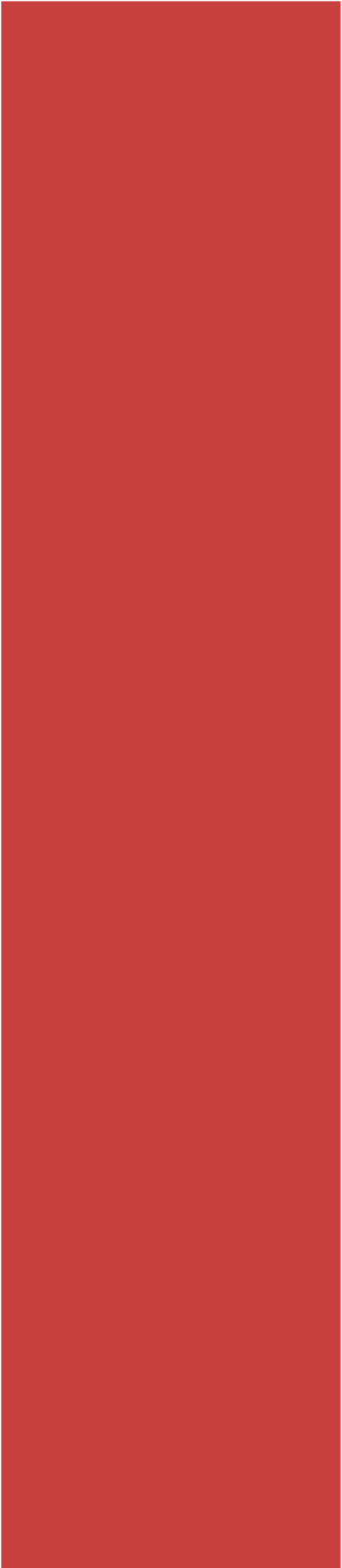
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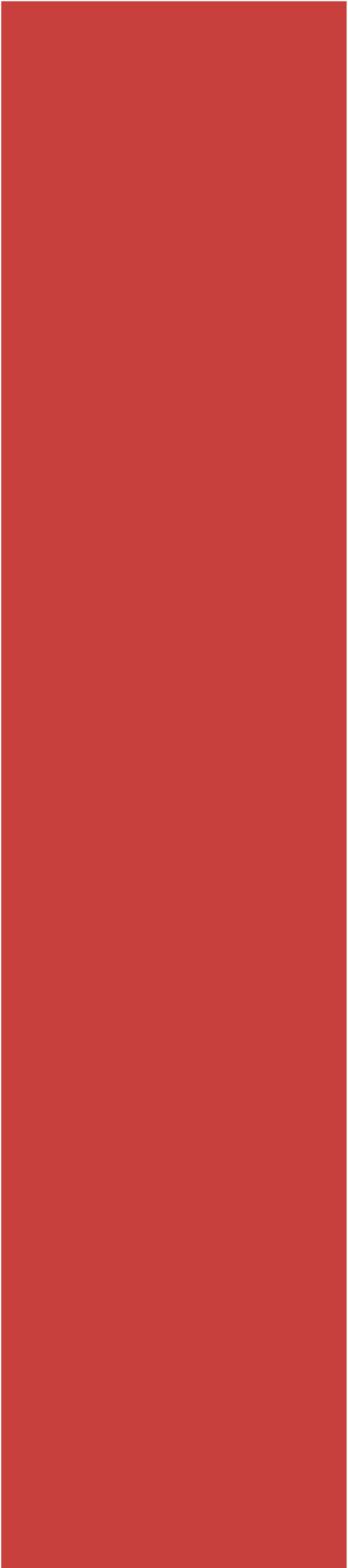
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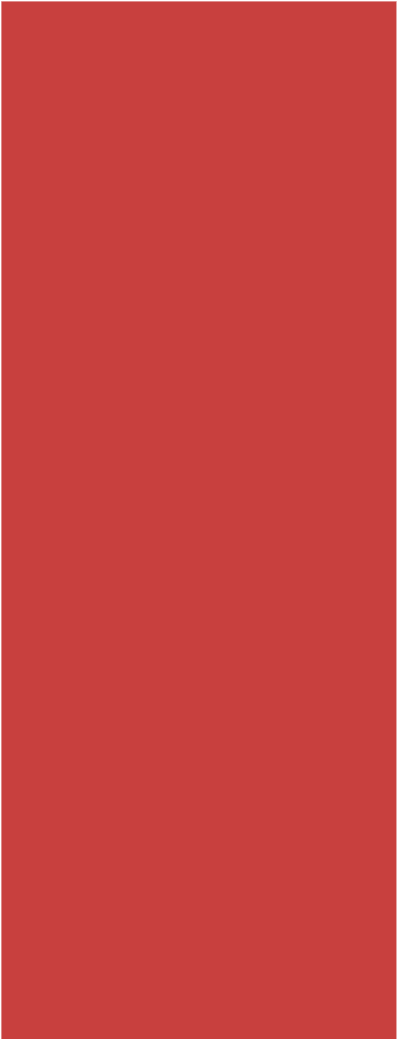
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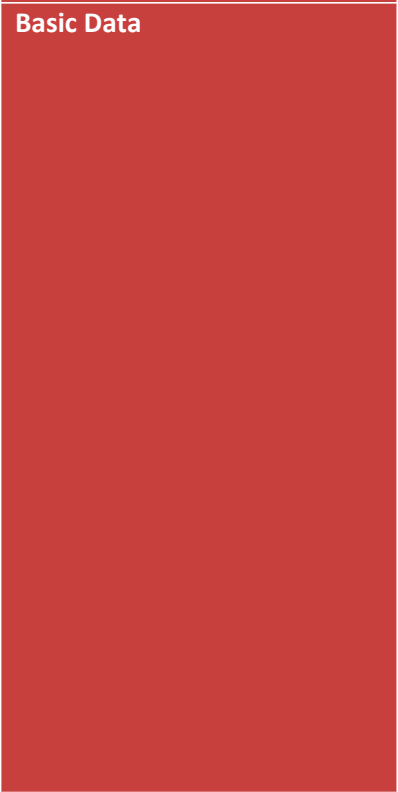
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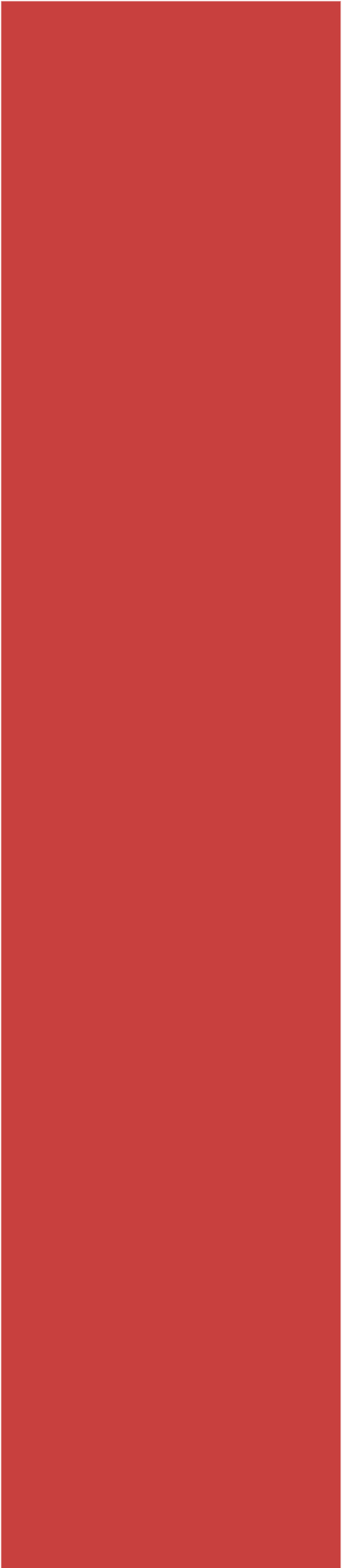


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Basic Data

Name
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Date of birth
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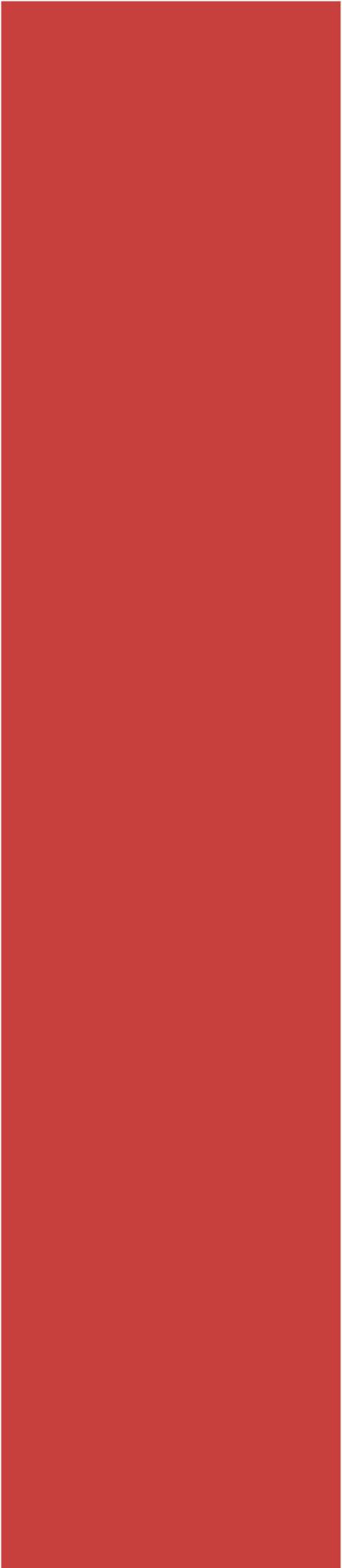


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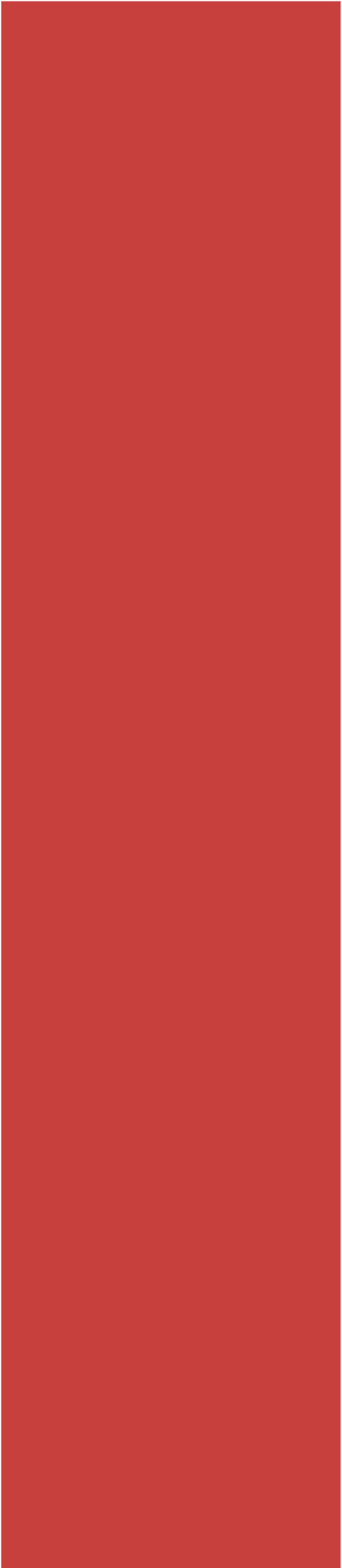
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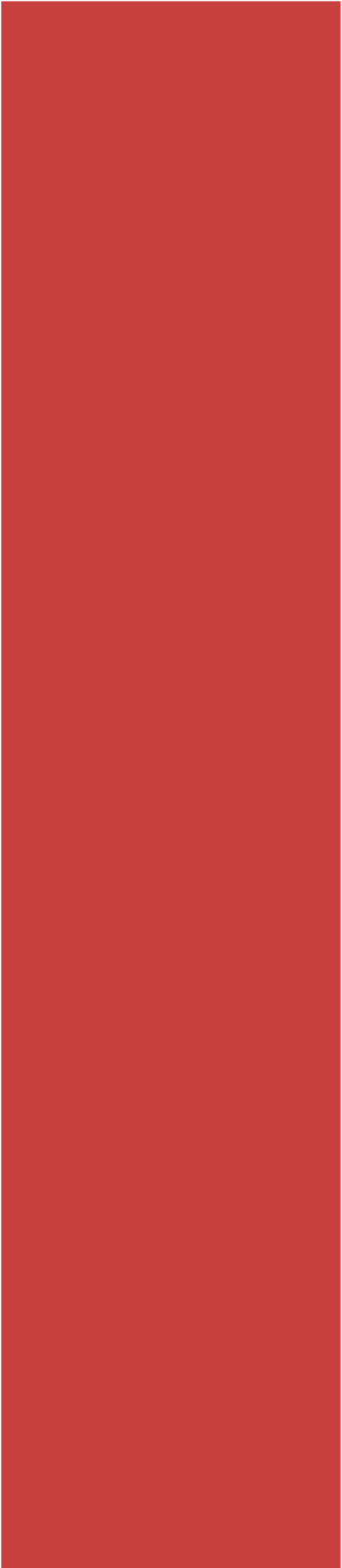
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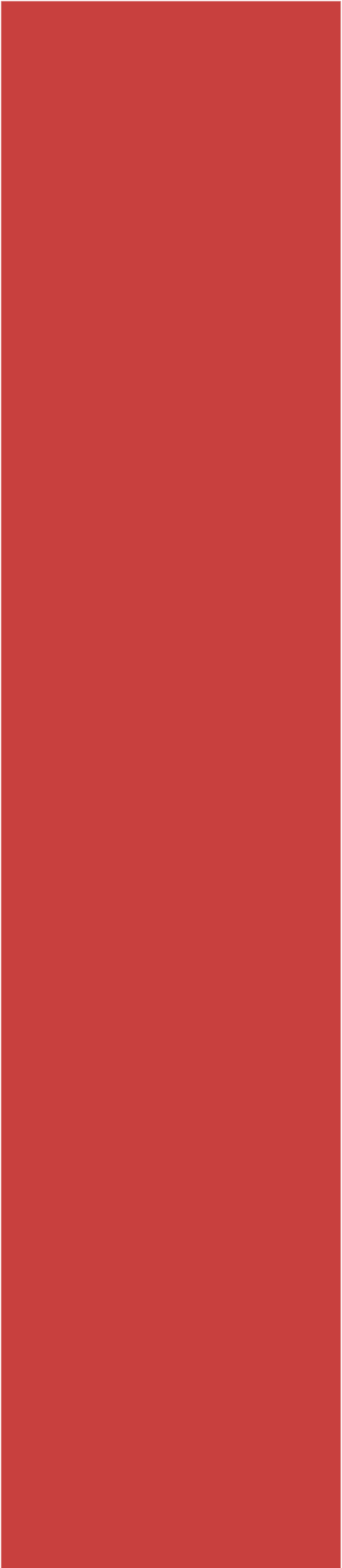
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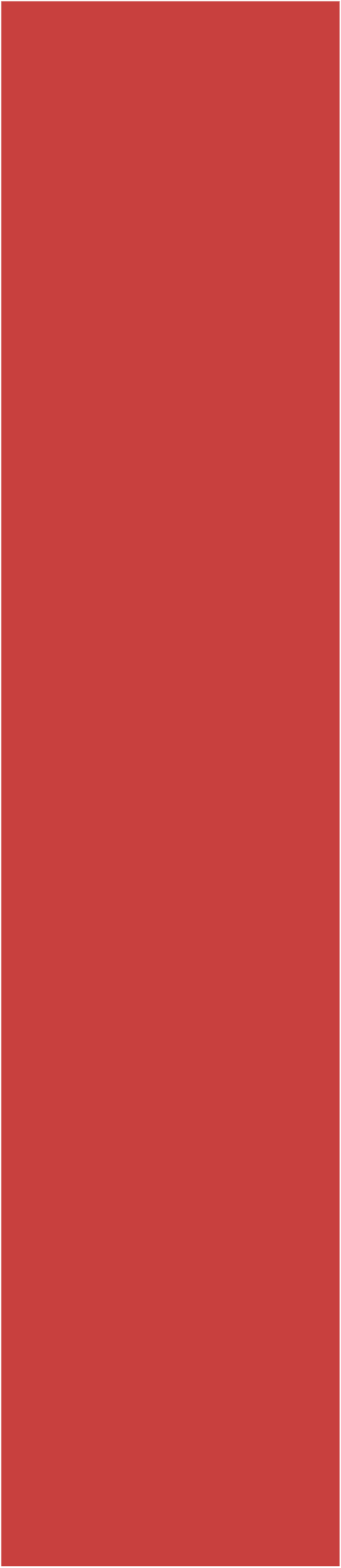
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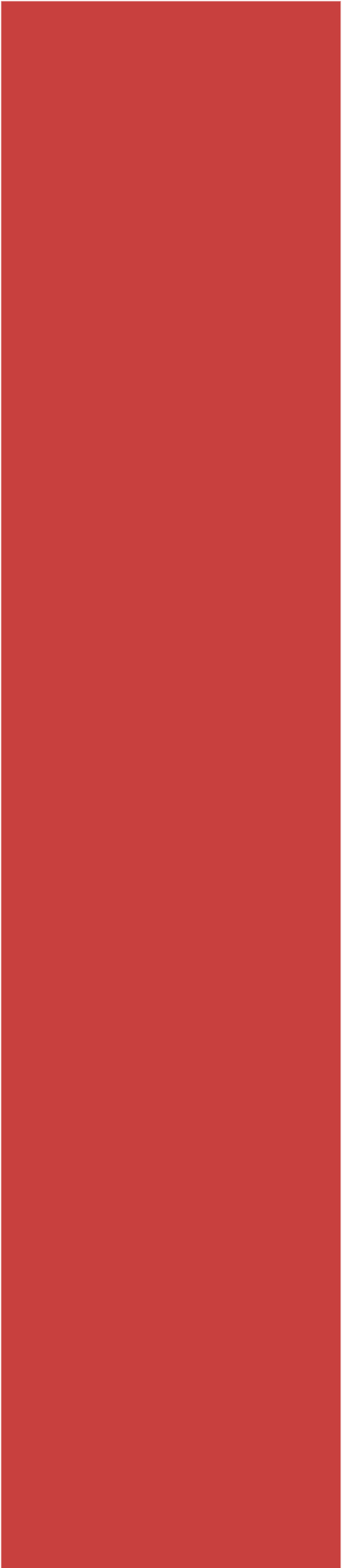
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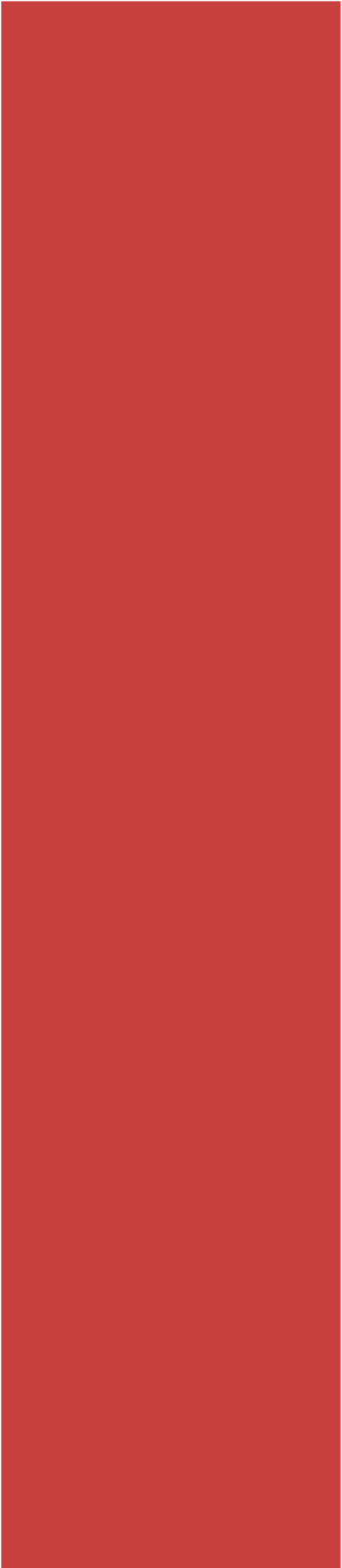
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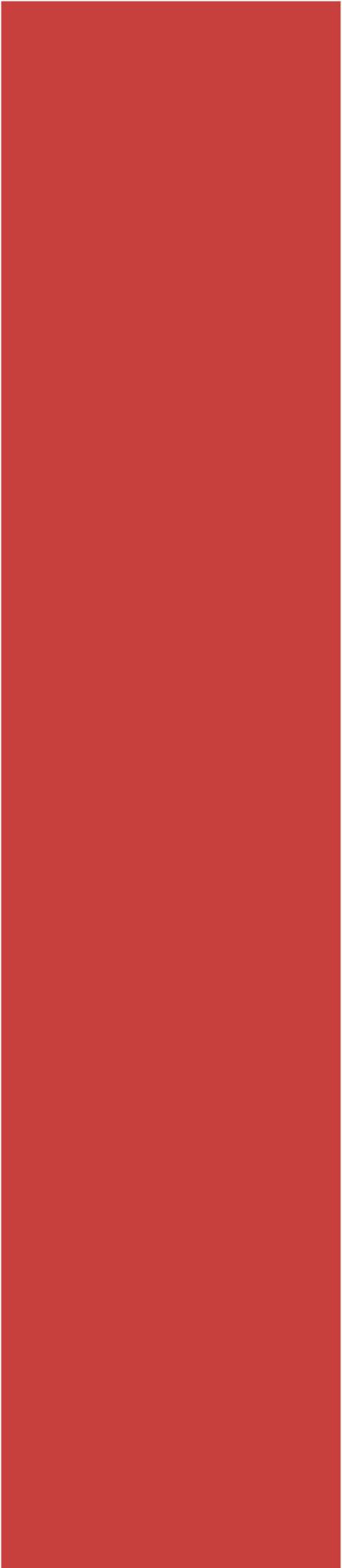
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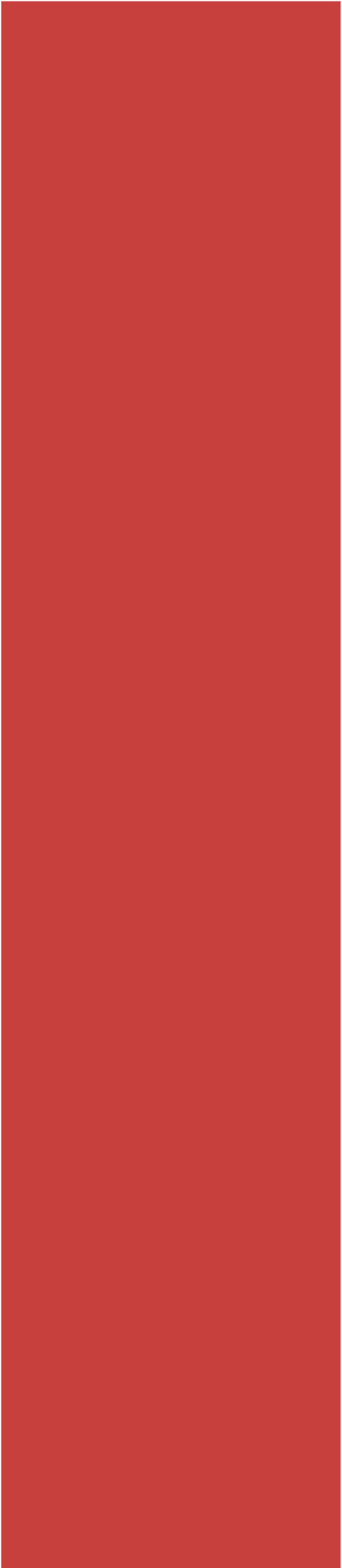


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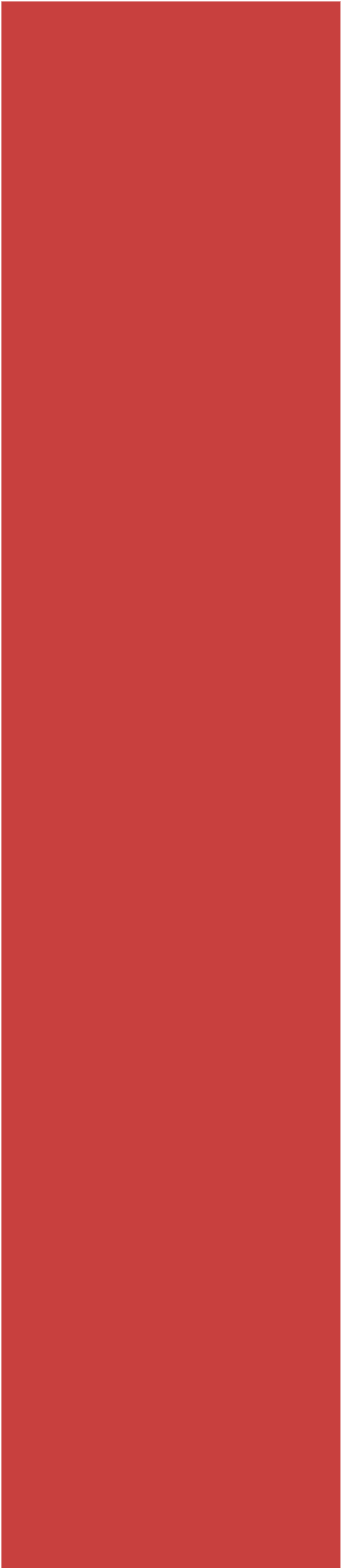


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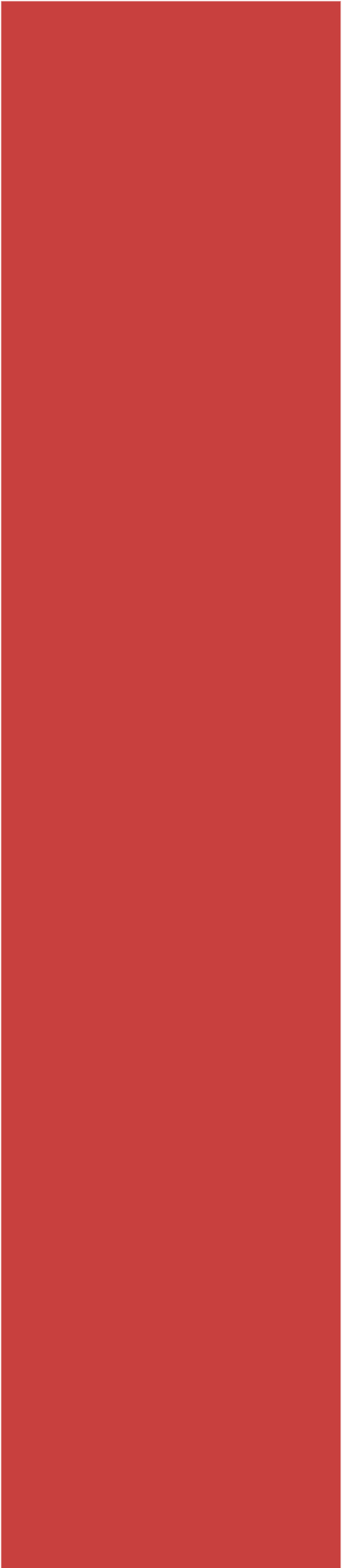


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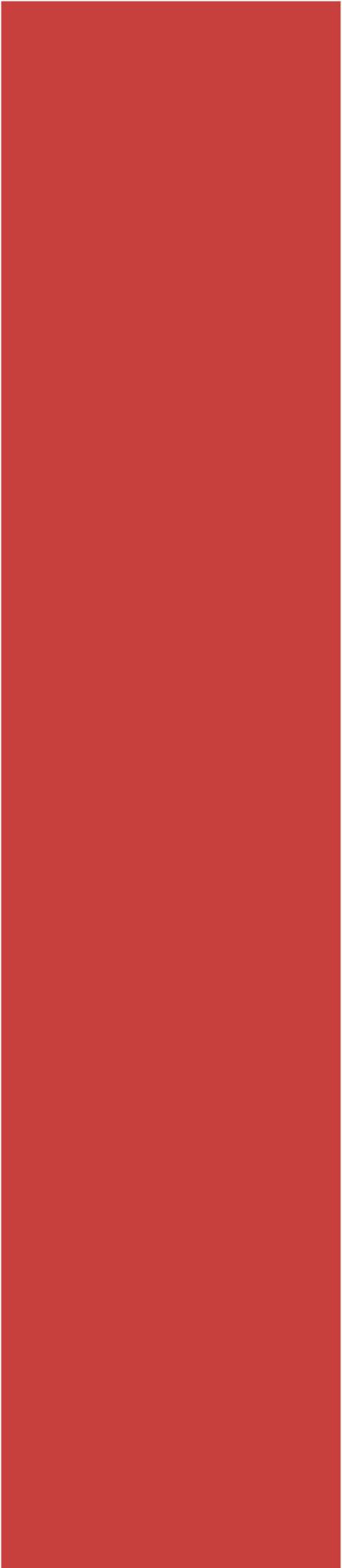
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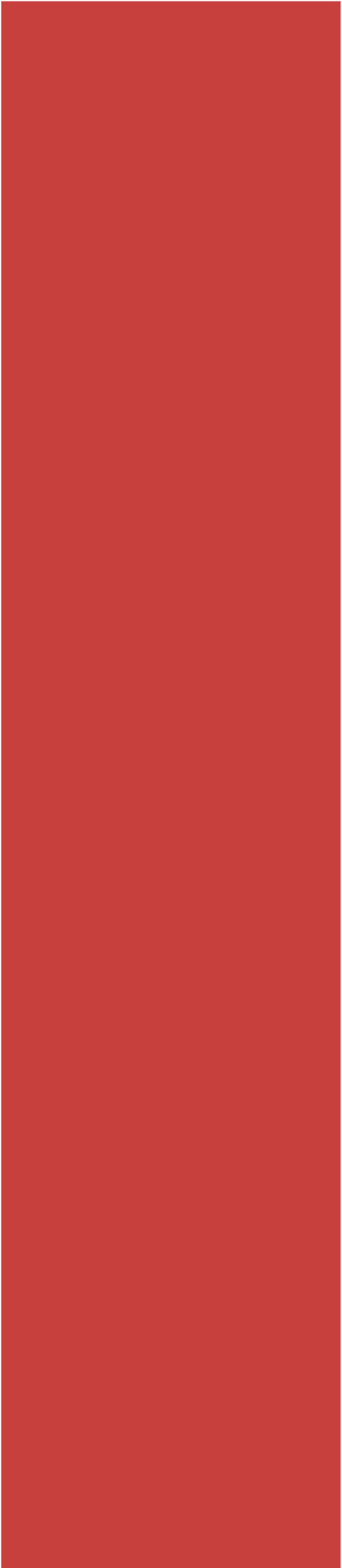
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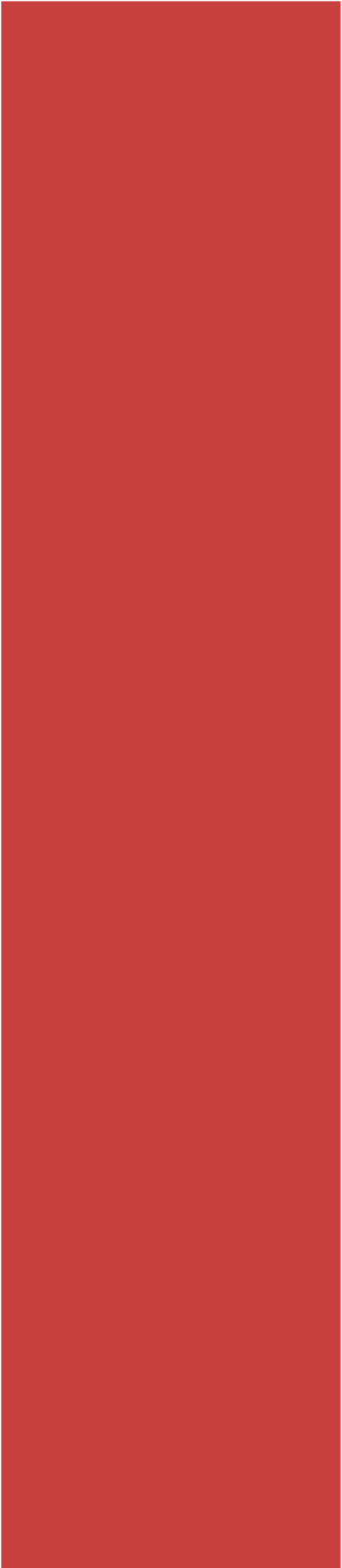
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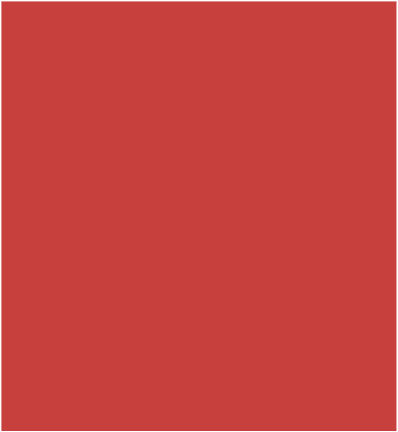
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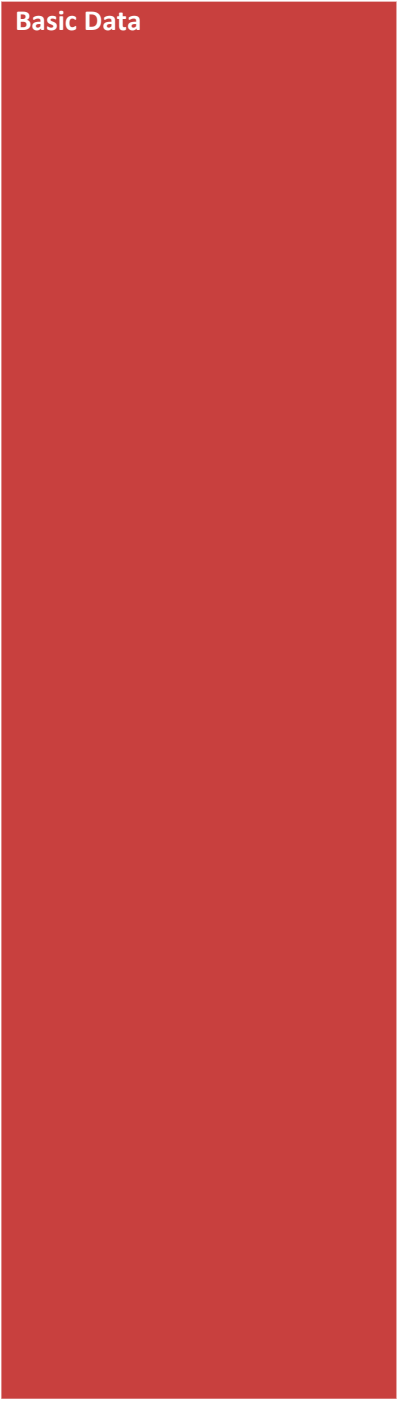
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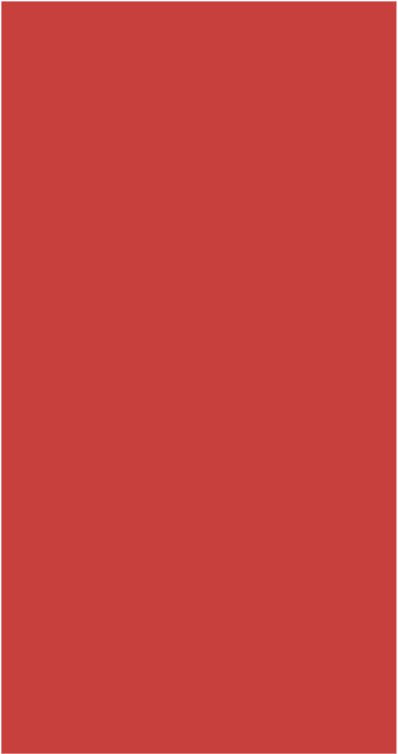


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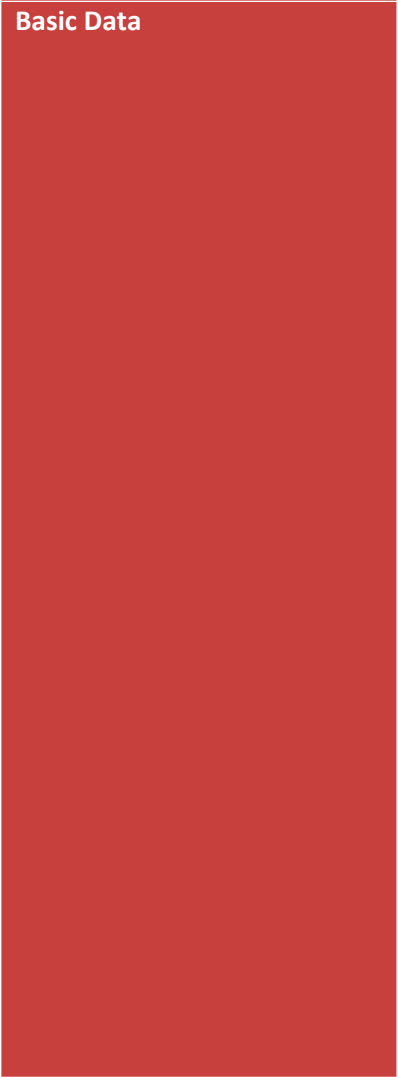
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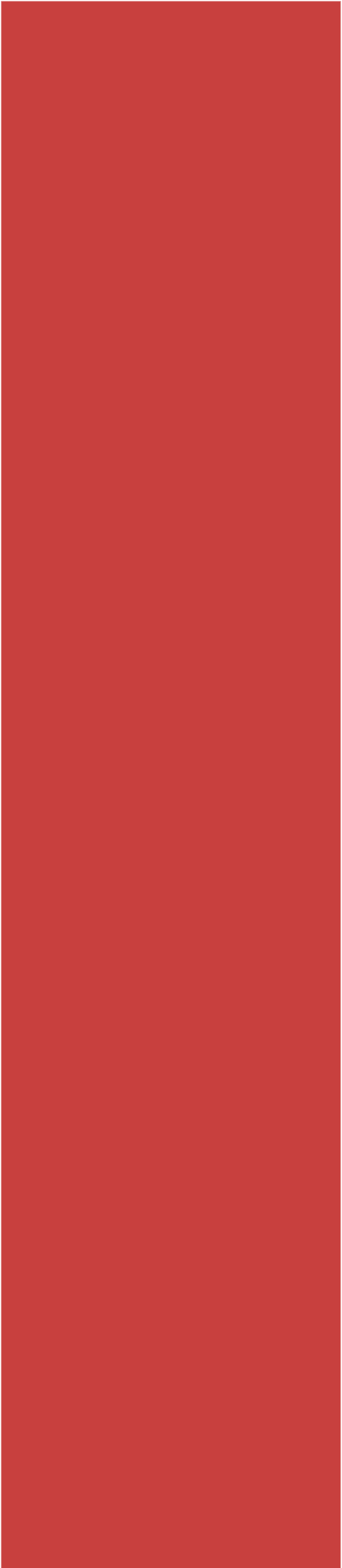


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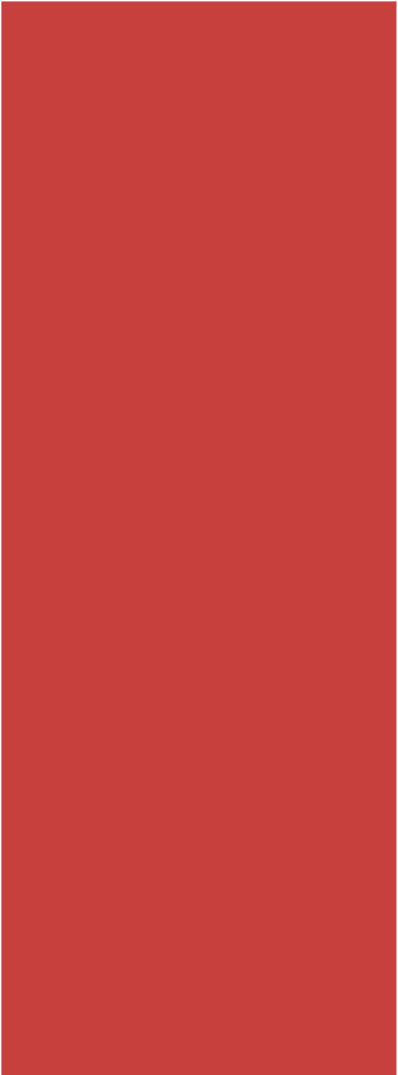


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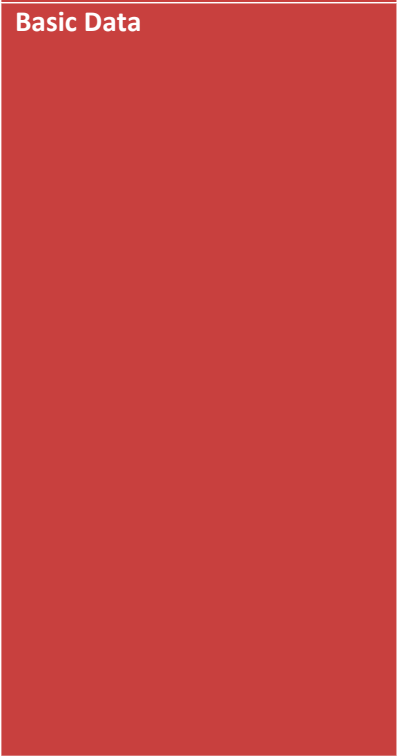
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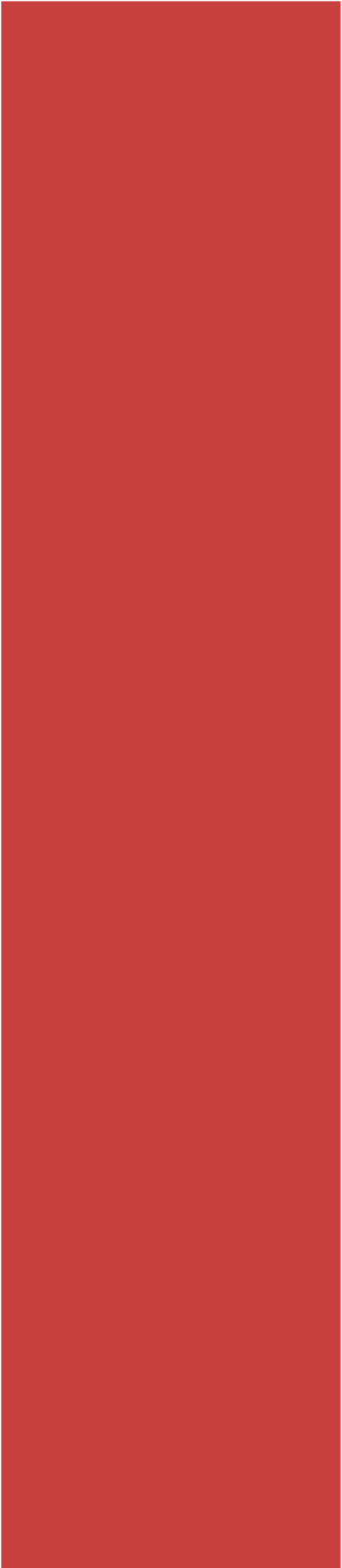
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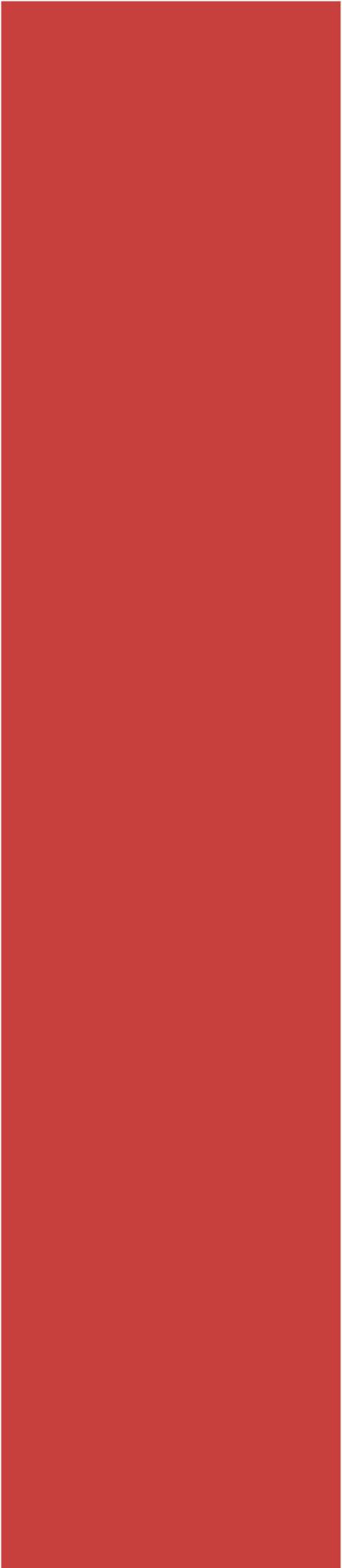
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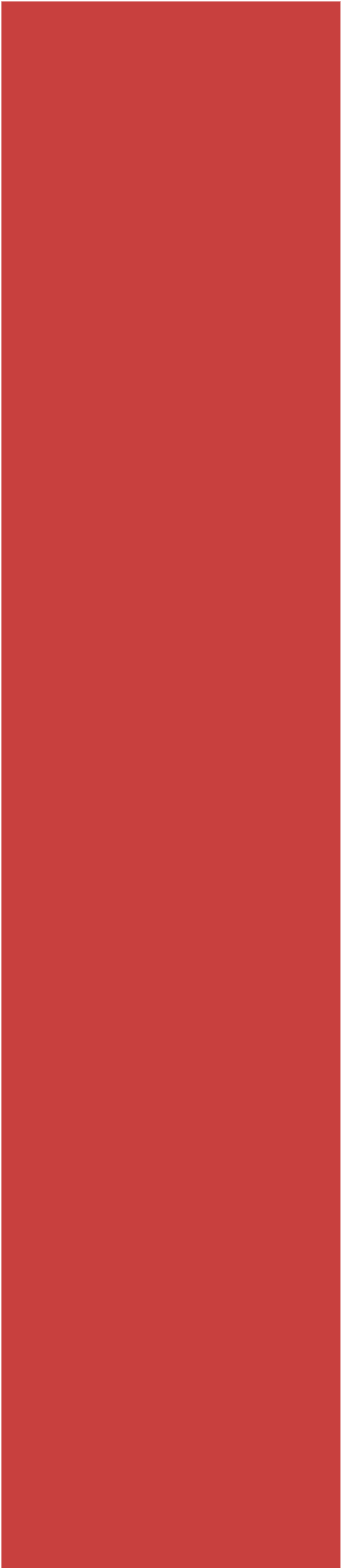


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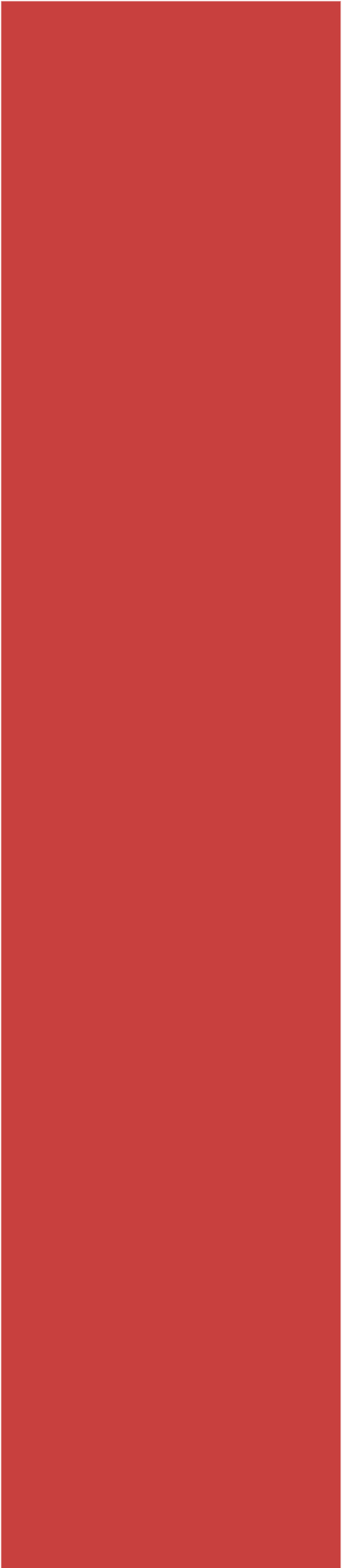
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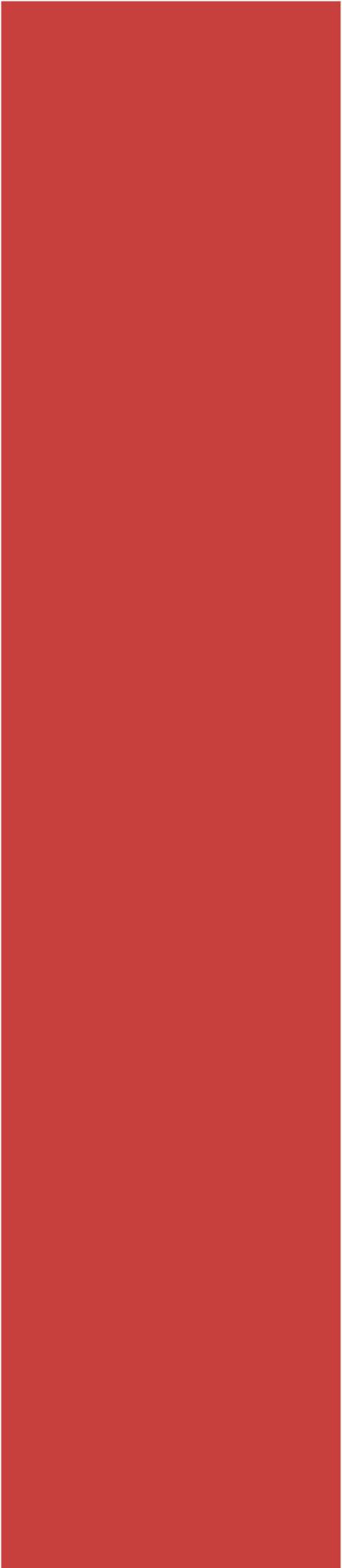


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 Telephone/mobile number
 Address
 Postcode
 National Insurance Number
 Financial Information
 Identification number



Basic Data

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 Email address
 Telephone/mobile number
 Address
 Postcode
 National Insurance Number
 Financial Information
 Identification number



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Postcode
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Financial Information

Identification number

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Date of birth

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Address

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Email address

Telephone/mobile number

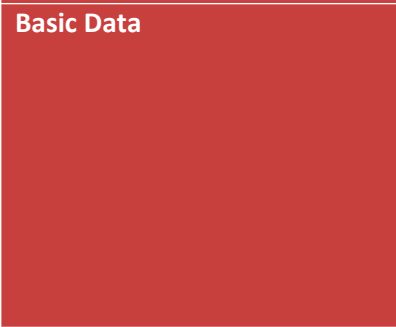
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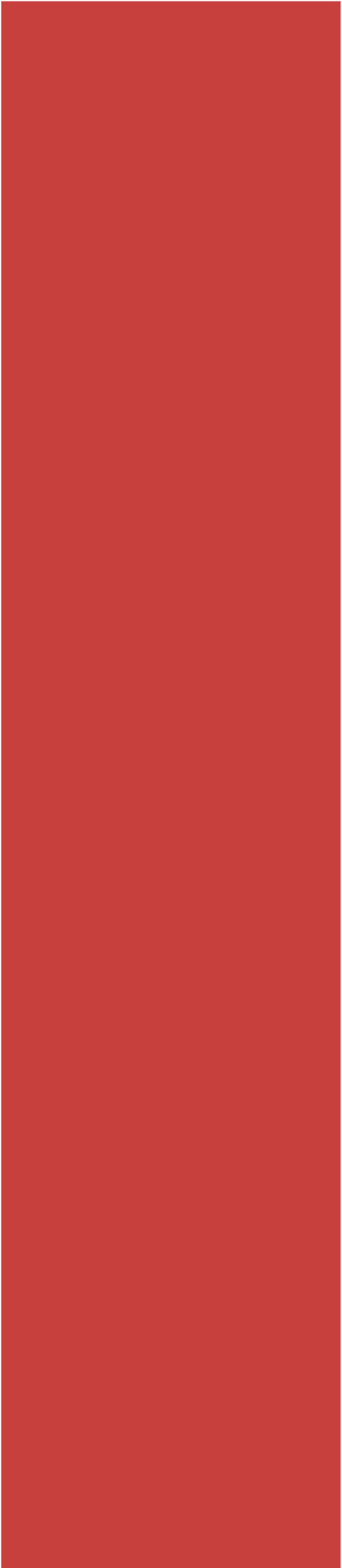
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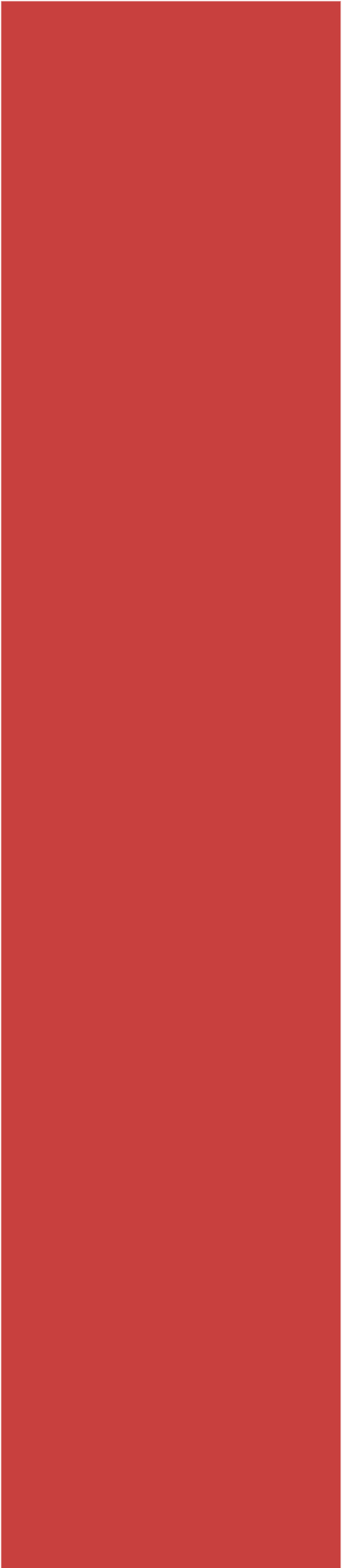
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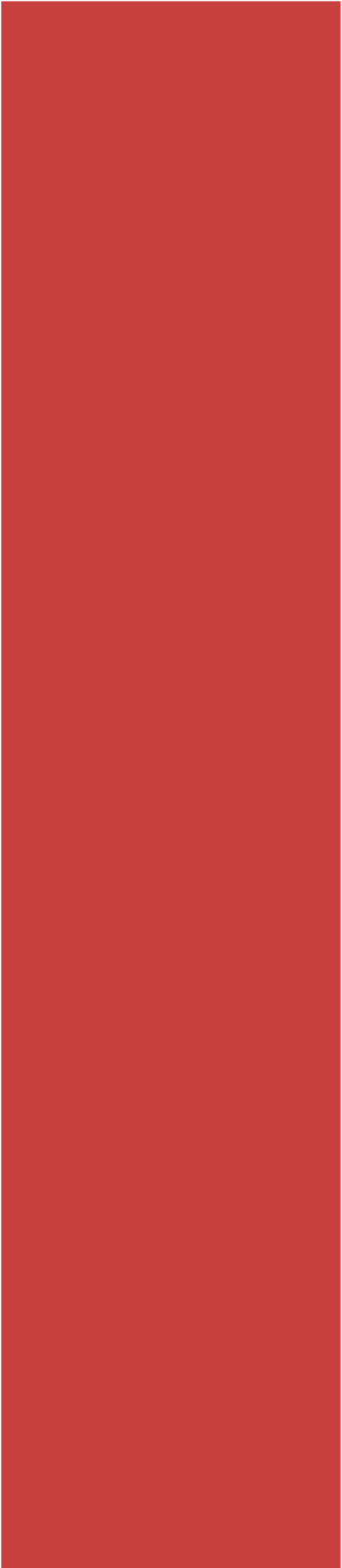
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Special Category Data

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<p>Criminal Offence Data (UK GDPR)</p>	<p>Criminal Data will be collected</p> <p>Criminal Data will be collected</p> <p>Criminal Data will be collected</p> <p>Criminal Data will be collected</p> <p>Criminal Data will be collected</p> <p>Criminal Data will be collected</p> <p>Criminal Data will be collected</p>
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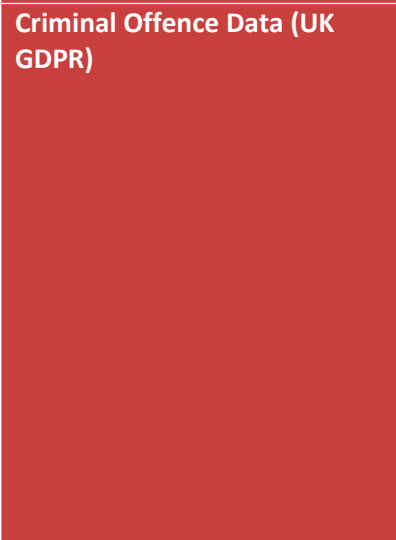


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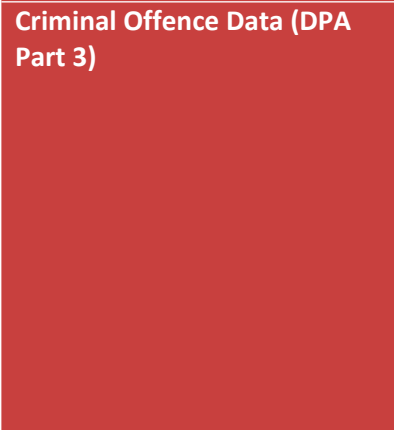
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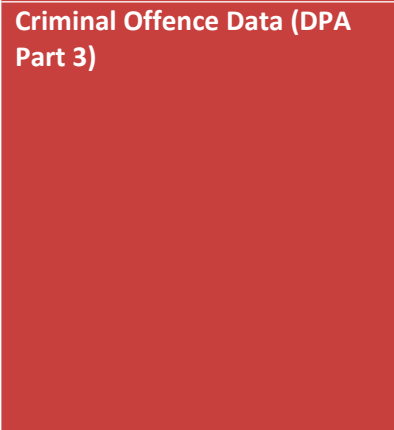
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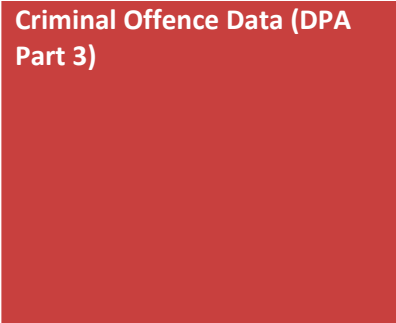
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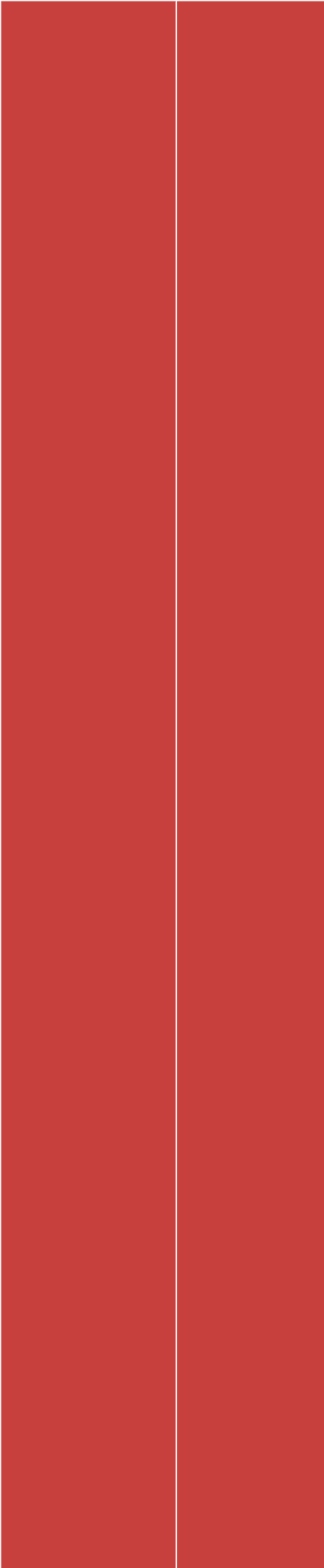
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Surveillance Camera

No data is being collected under this category

Data Collection Questions

Data Group	Question Number	Question	Answer
Basic Data	1	The Article 6 lawful basis for this processing activity is:	(a) The data subject has given consent for one or more specific purposes (eg opt in to newsletters)–(b) Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract (eg providing a service in exchange for payment). Please note this contract must be with the data subject.
Basic Data	2	Please outline which element of the project relies on the identified lawful basis	<p>Consent is collected by the Social Worker prior to referral to the service.</p> <p>The Service provider then also undertakes their own consent form which is read to data subjects and understood before signing. This includes data collection, recording, and withdrawal.</p> <p>The relevant public task for this contract is the provision of Direct Payment Support Services for the population of Kent by the Providers.</p> <p>The Kent County Council (KCC) has a legal responsibility under Section 17A of the Children Act 1989, inserted by the 2001 Act, gave councils a duty to offer DP's where there was an assessed need with Childrens Services Act 1989 (legislation.gov.uk). In making direct payments under section 17A of the 1989 Act, councils are subject to the general duty provided by Part</p>

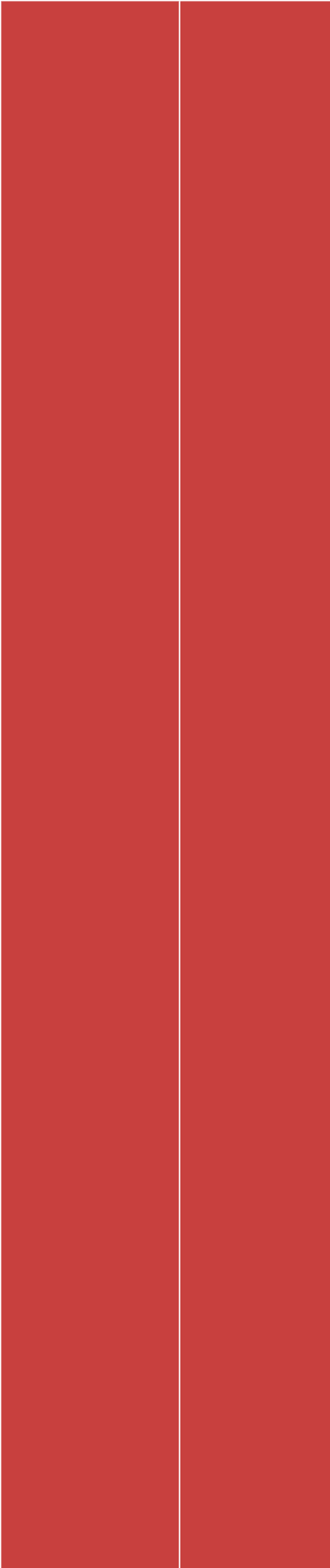


3 of that Act to safeguard and promote the welfare of children in need and to promote their upbringing by their families when making these payments, in precisely the same way as when providing direct services.

A DP is the amount of money needed to cover the cost of the support for which a person is eligible. KCC must ensure that people are given relevant and timely information about DP's to decide whether to request a payment and how to use and manage this payment appropriately. The Special Education Needs and Disability (SEND) reforms in 2014 placed a further duty on Education, Health, and Social Care to increase the use of personal budgets, which could be taken as a direct payment, to meet the needs of children and young people with SEND.

KCC has determined, as part of this legal duty that the provision of a direct payment support service is necessary and has commissioned the provider to deliver the service on its behalf. In awarding this contract, KCC has given responsibility for this public task in the Provider.

In order to fulfil this obligation, KCC requires the Providers to provide a safe and effective service. Fulfilling this responsibility requires the collection and processing special categories of personal data. The legal basis for processing this is:



GDPR Article 9(2)h; processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;

The service also has as a condition (under the 2018 Data Protection Act) to provide a duty of confidentiality during the processing of individuals' data. It must therefore have someone with oversight for this to ensure that the rights of the individual are upheld.

All staff within the service have received GDPR training, new staff are made aware of the policy at inductions. GDPR training is part of our mandatory training for all staff. It is delivered through our eLearning platform that staff must complete in order to be confirmed in post. In addition, refresher training is given annually through the same platform.

Data subjects will be provided with both verbal and written information about data collection and processing.

Special Category Data	1	Please identify the Article 9 basis being relied upon for the processing of special category data	(a) The data subject has given their explicit consent for one or more specified purposes–(h) Necessary for the purposes of preventative or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health and social care or treatment or the management of health or social care systems and services (subject to a DPA 18 condition) or pursuant to contract with a health professional and subject to the conditions and safeguards in Article 9(3)
Special Category Data	2	If you are relying on condition (a) please state which element of the project relies on explicit consent, and outline the process you have for collecting, recording, and withdrawing consent	<p>Consent is collected by the Social Worker prior to referral to the service.</p> <p>The Service provider then also undertakes their own consent form which is read to data subjects and understood before signing. This includes data collection, recording, and withdrawal.</p> <p>All staff within the service have received GDPR training, new staff are made aware of the policy at inductions. GDPR training is part of our mandatory training for all staff. It is delivered through our eLearning platform that staff must complete in order to be confirmed in post. In addition, refresher training is given annually through the same platform.</p> <p>Data subjects will be provided with both verbal and written information about data collection and processing.</p>
Special Category Data	3	If you are relying on condition (b), (h), (i), and/or (j) you must	(2) Health or social care purposes

Special Category Data	4

also identify at least one of the additional conditions from Schedule 1, Part 1 of the DPA 2018

If you are relying on condition (b), (h), (i) and/or (j) you must outline which element of the project relies on this condition

In order to fulfil this obligation, KCC requires the Providers to provide a safe and effective service. Fulfilling this responsibility requires the collection and processing special categories of personal data. The legal basis for processing this is:

GDPR Article 9(2)h; processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;

The service also has as a condition (under the 2018 Data Protection Act) to provide a duty of confidentiality during the processing of individuals' data. It must therefore have someone with oversight for this to ensure that the rights of the individual are upheld.

All staff within the service have received GDPR training, new staff are made aware of the policy at inductions. GDPR training is part of our mandatory training for all staff. It is delivered through

			our eLearning platform that staff must complete in order to be confirmed in post. In addition, refresher training is given annually through the same platform.
			Data subjects will be provided with both verbal and written information about data collection and processing.
Special Category Data	5	If you are relying on condition (g) you must identify at least one of the additional conditions from Schedule 1 Part 2 of the DPA 2018	Not applicable to this project
Special Category Data	6	If you are relying on condition (g) (substantial public interest) you must outline which element of the project relies on this condition	Not applicable to this project.
Special Category Data	7	If you are relying on condition (c), (d), (e), and/or (f) you must outline which element of the project relies on this condition	Not applicable to this project.
Criminal Offence Data (UK GDPR)	1	Where you are processing criminal offence data under the UK GDPR, you must identify at least one of the additional conditions from Schedule 1, Part 3 of the Data Protection Act 2018	(29) Consent–(30) Protecting individual's vital interests
Criminal Offence Data (DPA Part 3)	1	State the name of the authorising legislation which confers the law enforcement function	Disclosure and Barring Service Government office
Criminal Offence Data (DPA Part 3)	2	Confirm the lawful basis relied upon under the Data Protection Act 2018	35(2)(a) the data subject has given consent to the processing for the law enforcement purposes
Criminal Offence Data (DPA Part 3)	3	Will any of the following data be processed?	Yes
Criminal Offence Data (DPA Part 3)	4	Which lawful basis is relied on for any sensitive processing	38(4)(a) the data subject has given consent to the processing for the law enforcement purposes and 38(4)(b) an appropriate policy document is in place
Criminal Offence Data (DPA Part 3)	5	Where relying on 38(5)(a) select which of the following conditions from Schedule 8, 38(5)(b) of the DPA 18 applies	(3) protecting an individual's vital interests–(4) safeguarding of children and of individuals at risk

