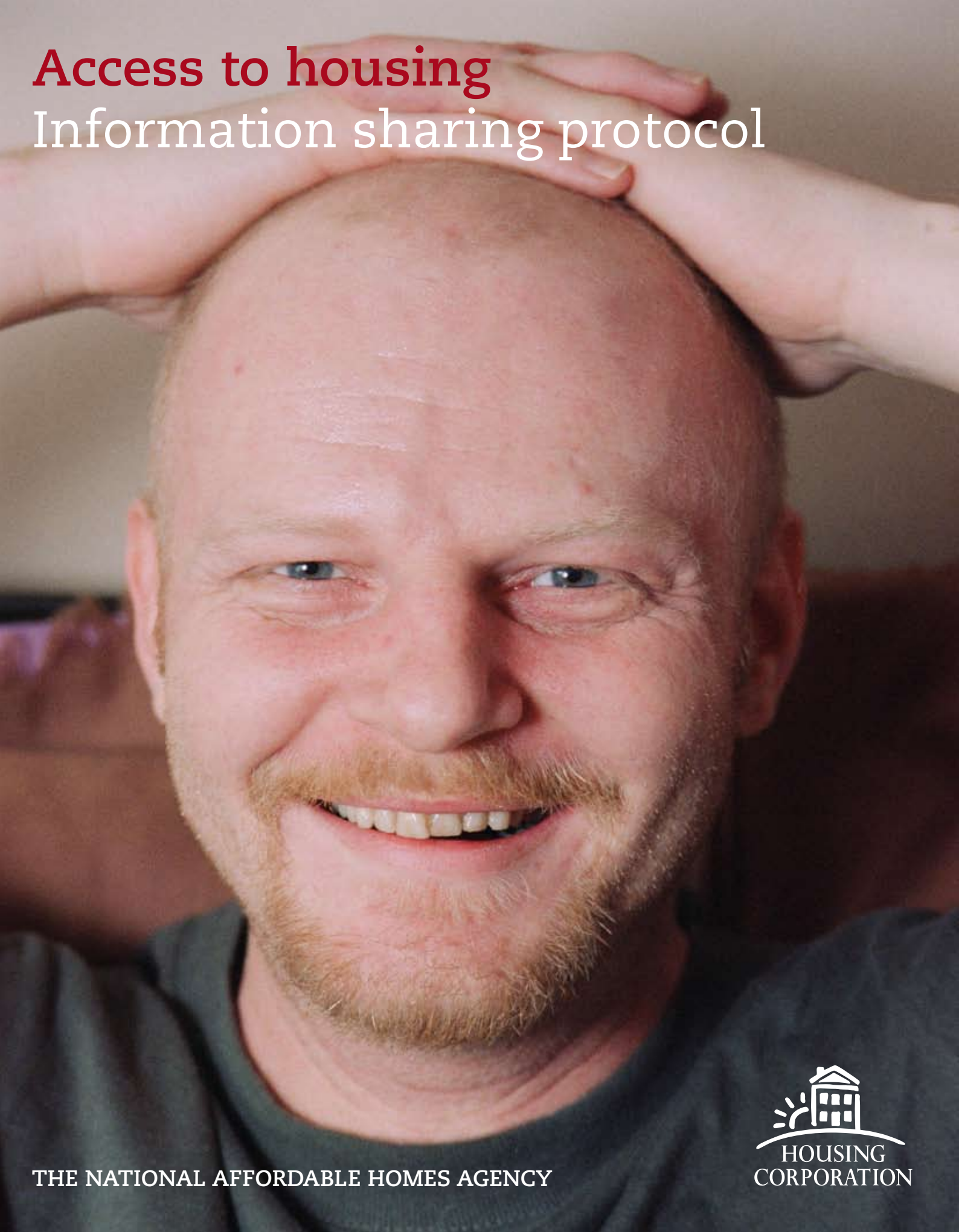


# Access to housing

## Information sharing protocol



November 2007

Written for the Housing Corporation by Campbell Tickell.



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# Introduction

This document sets out a national standard protocol on sharing information about applicants for re-housing. It has been produced following consultation with the Communities and Local Government Department, the Department of Health, the Housing Corporation, the Local Government Association, London Councils, the National Housing Federation, local authorities and housing associations

This protocol is not an alternative to, nor a substitute for allocation policy. It does not supersede nomination agreements, Common Housing Registers (CHR) and choice-based lettings (CBL) schemes criteria, and policies such as 'grounds for refusal' or suitability criteria for certain types of accommodation that have been negotiated locally or sub-regionally. The protocol clarifies and makes consistent the information base that is required to implement an allocation policy, whatever its criteria. Government is keen for all government departments, local government, health authorities and third sector agencies to work together to improve service delivery and information sharing is seen as a key requirement and support.

The protocol has been developed to be adaptable for the range of organisations and agencies working in re-housing. It is recommended that all parties to all allocations arrangements adopt it as one of their components, to make the best use

of their resources. While helping to put the right resources in the right place, it does not replace the need for the adequate application of resources for the support, care and sustainment of tenancies.

Likewise, there may be other nationally agreed protocols and strategies in force from time to time, concerned with tenancy sustainment, homelessness prevention and other aspects of allocations and lettings policy. This protocol can be used as the core information sharing element of these arrangements.

The protocol has been prepared by Danny Friedman, Tony Pierce, Madeline Drake and Greg Campbell of Campbell Tickell. Legal advice and input has been provided by Andrew Millross and Osman Hamir of Anthony Collins Solicitors. The project has been managed by Gera Drymer for the Housing Corporation. The authors would like to thank all those colleagues from local authorities, housing associations and other bodies who have commented on documentation and otherwise contributed to the exercise.

This protocol is now to be trialled by a number of volunteer pathfinder local authorities and housing associations. Following this trialling process, the organisations concerned will undertake a self-evaluation exercise, which could lead to revisions to the protocol.

Further expressions of interest in trialling the protocol in operation are welcome. Please contact Gera Drymer, Policy Manager, The Housing Corporation, Maple House, 149 Tottenham Court Road, London W1T 7BN (email: [gera.drymer@housingcorp.gsx.gov.uk](mailto:gera.drymer@housingcorp.gsx.gov.uk)).

# Who this protocol is for

The prime audience and signatories for this protocol are agencies that nominate households for re-housing, and landlords that house these households. They include:

- local authorities as nominating agencies and their contractors;
- voluntary sector agencies where they have referral or nomination arrangements;
- housing associations as receiving landlords;
- ALMOs and other housing management providers as agents of receiving landlords (operating under contracts or service level agreements);
- managers of accommodation leased from or managed on behalf of private landlords, for the medium-term accommodation of nominated homeless households, pending long-term re-housing;
- where the homelessness assessment and processing service has been devolved under a stock transfer arrangement, the protocol will be appropriately used within the transfer association, and between the processing service and other housing associations in the local authority area; and
- where local authority stock has been retained, the protocol is appropriate for use between the homelessness and housing allocations divisions, and the lettings and housing management division, as well as with local housing associations.

The secondary audiences for this protocol are:

- other agencies, statutory and non-statutory, that provide housing-related support services (e.g. supporting people services, resettlement services); and
- other agencies that supply information relevant to appropriate re-housing and tenancy sustainment, including health, police and community safety, probation, welfare and education agencies.

The protocol is for all households applying for social rented housing through all allocation routes, including transfers between landlords, mobility schemes, Common Housing Registers, Common Allocation Policy arrangements, choice-based lettings schemes, Statutory Homelessness applications, Direct Application policies and resettlement from hostels and temporary accommodation (but not transfers within one landlord's stock). It also applies to statutorily homeless households placed in private leasing schemes or the equivalent, waiting for permanent re-housing, as issues around tenancy management and sustainment are similar to those concerning permanent re-housing.

# Purpose of the protocol

The flow of relevant, specific and timely information about re-housing applicants is seen as an essential tool in creating and sustaining strong tenancies. Good information enables appropriate support needs to be identified and provided, and staff to be equipped with the necessary facts to manage tenancies effectively. It enables rent accounts to be set up and Housing Benefit claims to be processed quickly, especially where vulnerable households with specific needs are concerned. Good information exchange can help ensure the 'right support' is put in place, and the risk of 'revolving door' repeat tenancy failure and homelessness can be reduced. Fewer tenancy breakdowns means fewer voids and a more efficient and cost-effective housing service.

Information flow is a two-way dialogue that helps build trust between agencies with differing resources and services to provide. It is to assist nominating agencies in providing the correct information and to understand the requirements of receiving landlords, as well as for the latter to avoid 'gate keeping' or 'cherry picking' of prospective tenants.

More specifically, the purpose of the protocol is to help identify the needs and characteristics of individuals being re-housed to facilitate:

- homeless prevention, in the short, medium and longer terms;
- tenancy sustainment, in the short, medium and longer terms;

- the provision of appropriate accommodation, services and support;
- the efficient use of stock, by speeding letting times, reducing refusals and reducing turnover; and
- managing risk: risk to the individual applicant, to other tenants/residents, to housing and support staff, and to the nominating and receiving agencies.

Using the protocol will assist with:

- managing and planning nominations, allocations, and homelessness prevention and tenancy sustainment services;
- preventing rent arrears and anti-social behaviour arising;
- performance monitoring;
- research and statistical analysis; and
- training and promotion of good practice.

The underlying principles behind the protocol are:

- to achieve information flow in an efficient and timely manner;
- to ensure the right core information is in the right hands at the right time, and that sources for more detailed information are clearly signposted to receiving landlords;
- to operate the procedure in the spirit and practice of data protection principles and legislation (see below), freedom of information, and respect for privacy; and
- to ensure that accurate information is maintained.

# Elements of the protocol

There are three elements to the protocol:

- the first is this document, which describes the purpose of the protocol, and processes associated with it;
- the second is an annex scheduling information to be collected and passed on, to aid the allocation process (Annex 2a); and
- the third is a web-based set of forms that replicate the structure for collecting information, compatible either as a stand-alone system, or to be used on a networking basis between agencies (Annex 2b).



# Data protection and other legal provisions

The use of this protocol will help organisations to make sure that they address the main principles of the Data Protection Act 1998 (DPA 98) and that other relevant legal provisions are adhered to that underpin the sharing of information between organisations involved in letting social housing. Information which is personal data (i.e. data about an individual tenant or service user from which they can be identified) is subject to the DPA 98.

## Underlying data protection principles

Under the DPA 98, individuals need to know that data is held about them on organisations' systems. Where possible, they need to consent to this use. The legislation allows appropriate and relevant data to be shared between agencies where informed consent has been freely given. Where re-housing cannot be offered and the person would be disadvantaged without information sharing, then consent may not be applicable. The client must still be fully aware of what is to happen to the information and may insist on ceasing its being processed any further.

Data protection principles require:

- the user (including any recipient) of the data to have notified the Information Commissioner of the types of data they are collecting and how it will be used;
- the data not to be disclosed except in certain specified circumstances;
- sensitive personal data (covering things such as ethnicity, religion, sexuality, medial information or alleged criminality) to be disclosed only with the explicit consent of the person who is the subject of the data (subject to the exceptions noted below); and
- people to have access to data they have given, and the opportunity to correct data that is held about them.
- adequate security provisions are in place in relation to the collection and storage of personal/sensitive personal data; and
- that personal data is not held longer than is necessary.

Annex 3 summarises the rights of data subjects under the DPA.

## Consent

Under the DPA 98, agencies that give or receive information are obliged to notify the Information Commissioner of its purpose and to whom it may be disclosed. This is known as notification. Individuals should be asked to provide only the information necessary for their rehousing and should be made aware of why it is required and with whom it is likely to be shared. Consent does not take away agencies' responsibilities for fairness, accuracy and avoiding use of information that may be detrimental to the individual.

At the point of collecting personal and sensitive personal data, applicants need to understand that information about them will be held and released in certain circumstances. This means that all tenancy application forms, forms for choice-based lettings, Common Allocation Policies and Common Housing Lists, as well as tenancy agreements should include a provision under which the tenant consents to the disclosure of personal data to relevant organisations that can help them with their future home and tenancy. In the case of sensitive personal data, the explicit consent of the individual is required. This is normally taken to mean 'in writing'. An appropriate draft statement that can be tailored for individual organisations can be found in Annex 6.

If consent has not been previously obtained before the nomination or letting occurs, the simplest option is generally to ask the person concerned for consent. If this is not given, then personal data may only be disclosed or used in certain circumstances (such as, for instance, for crime prevention, where there is a legal obligation to share the information).

It is also legitimate to use or disclose information (other than sensitive personal data, i.e. ethnicity, religion, sexuality, medial information or alleged criminality) without the client's consent where this is necessary for the legitimate interests of the organisation using or disclosing the information, or for the legitimate interests of the organisation to which it is disclosed, as long as this does not

prejudice the rights, freedoms or legitimate interests of the client. Fulfilling the requirements of allocation and nomination agreements for access to social housing stock could be a legitimate reason.

It will be much easier to prove that a person has been informed of the need for and use of personal information if this is in writing. However, the minimum requirement would be a written record that a conversation has taken place in which the client has been made aware of the use of personal information (this would not apply in cases where sensitive personal data is collected, i.e. ethnicity, religion, sexuality, medial information or alleged

# Other legal issues relating to data sharing

There will be much information relevant to tenancy sustainment and success that will be held by other organisations that are not directly part of the housing nominations and allocations world. These would include health agencies, the police, voluntary sector support agencies among others.

Provided data protection principles are followed, much of this inter-agency information can be transferred legitimately, and clearly building good working relations are key to this. However, there are requirements to share and constraints on releasing information to others are included in particular pieces of legislation or regulations:

- in social security and Housing Benefit regulations, which have an important impact on access to Housing Benefit, income and rent-related information. A note on the DWP position on social security and benefits data sharing is appended;
- the Crime and Disorder Act 1998, which allows information sharing in connection with anti-social behaviour orders, racially or religiously associated offences and the administration of the criminal and youth justice system. All local authorities should have a nominated officer responsible for the exchange of community safety and criminal information with the police, and this input should feed the information requirements of this protocol; and

- the Children's Act 2004, which allows the Inland Revenue to disclose tax credits information in connection with child protection issues. Again, each local authority should have a nominated officer with access to the national Contact Point system, regarding children.

As regards the Human Rights Act 1998, its purpose is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a democratic society. Article 8, The Right to Respect for Private and Family Life, Home and Correspondence, is relevant when it comes to the disclosure of personal information. The Act makes it clear that public authorities may only interfere with someone's private life (which would be the case if personal information were disclosed) where they have legal authority to do so, the interference is necessary and is proportionate to that aim. In the case of information required for the fair and appropriate provision of housing, and where applicants have agreed to disclosure, human rights legislation would not be breached.

# Information covered by the protocol

The underlying principle behind this protocol is to encourage the exchange of the right amount and quality of accurate information, at the relevant point of access to housing – neither too little, nor too much. There are three types of information to be supplied, specified in the attached schedules 2a and 2b.

## Essential information

This is basic data about:

- communication-related information (e.g. interpretation needs, visual or auditory impairment);
- high risk-related information (see next chapter for definitions and outline descriptions of risk, and Annex 2a for specific data);
- major vulnerability and special needs information (e.g. mobility requirements); and
- basic demographic information (size, ages and relationships within household).

Annex 2a contains the schedule of this information, and can be used as a form to collect it. It indicates where relevant the source of particular pieces of data.

## Flags and flagged information

Where there are particular aspects of the applicant and household – such as information about risk, vulnerability, support and tenancy sustainment needs, that are required for a successful allocation

to be made, the need to access this information is flagged in Annex 2a. The relevant contact details in agencies who can give this fuller information and may supply support or services to the applicant must be supplied by the nominating agent, and must be followed up by the receiving landlord. The protocol does not seek to capture all the relevant information within its own documentation – it acts as a signpost to receiving landlords, to help them get full information.

## Checklists and additional information

As an aid to nominating agencies and receiving landlords, the protocol contains checklists (Annex 2b) against some types of information – particularly around support, risks and special needs. These relate to the flag system, but are not mandatory.

Additionally, the document contains a section for the nominating agency to flag a summary risk assessment. This is described in more detail in the next chapter, and is part of Annex 2a. It must be emphasised that the summary in the schedule is not a full assessment, and should only be treated as a signpost to gather more information.

# Risk assessment and management

A central reason for sharing data around the allocations and nominations process is to help manage and minimise risk for all parties. For the purpose of this protocol we identify three areas of risk relevant to the information flow process.

## Risk to individuals

Risk to staff, contractors, neighbours, other household members and the community from violent or dangerous applicant/member of applicant household if incomplete or inadequate information provided to ensure appropriate support provided.

Violent, dangerous or criminal behaviour is the most serious threat to staff, contractors and the community from housing applicants and tenants. These would include at one extreme such indicators as histories of arson or other forms of destruction, as well as direct violence, and of the other forms of verbal aggression or milder forms of anti-social behaviour. However, there are many gradations of risk in behaviour and any local agreements based on this protocol should attempt to define or categorise them, so that a common language and response to behaviour leads to consistency and better management of the risk. The protocol uses a basic four-level assessment measure to flag risk, that more sophisticated local procedures will need to translate into.

## Risk to applicant or household members

Risk to applicant/household member of unfair treatment because of inadequate information, or of self-harm or abuse because of inadequate or inappropriate support provided.

The main consequence of poor quality information is, for the client, in terms of loss of options for re-housing, getting 'lost' in the system and failing to have needs properly assessed. This is particularly a risk for those with communication or cognitive difficulties. Additionally, where information about individuals' mental conditions are missing, the risk of setting up circumstances where self-harm or neglect may occur is increased. Wasteful and duplicated effort is another serious consequence, leading to the client being 'sent around the houses', responding to the same questions from several different agencies and associated inefficiencies of repeated work, increased risk of errors and misjudgements.

## Risk to organisations

Risk to organisation of costs of tenancy failure, arrears, damage to property, higher void rates, dealing with anti-social behaviour, legal costs, risk to reputation through poor publicity, if incomplete or inadequate information is available to ensure appropriate support is provided.

In housing process terms, the risks arising from poor information are a high refusal rate and low level of sign-ups to new tenancies, and high rates of tenancy breakdowns that together result in higher void rates. Rent arrears and costly damage to property are part of this pattern. More generally, the risk of legal challenge from inaccurate information is expensive in time and legal costs, and leads to loss of reputation if tenancy failures are picked up by local media, especially if there are allegations of neglect, or instances of associated violence.

Use of this protocol, and associated measures will help minimise and manage these risks. The measures are:

- gather information early to identify potential risks in the housing process;
- gather and hold information that is relevant, factual and accurate – discard and destroy, or ignore all other information;
- gather and hold sensitive personal data with the written consent of individual clients;
- allow individual clients to access their personal information at all stages;
- hold information securely and legally;
- access information and share it with partner agencies only through staff trained in its proper use; and
- ensure access controls and operations are effective and legally compliant.

# The process: the protocol in operation

## Collecting and inputting information

Responsibility for collecting and recording essential information and flags (onto central system or one-to-one) lies with the nominating agency. This includes responsibility for liaison with **external agencies**, such as current or former landlord, health authorities (PCTs and Hospital Trusts), and police, community safety, probation, welfare support and other voluntary sector agencies; **internal departments** or agencies of the local authority (such as social services, Housing Benefit, education); and the **applicant** her/himself.

Where there are two-tier administrative arrangements, county-level Social Services or Education Departments should be treated as external agencies.

It is strongly recommended that separate protocols be drawn up between housing nominating agents and other information-providing organisations, to ensure high-quality and efficient information transfer. Where separate protocols are in place, or are being developed with and of these agencies, these protocols should incorporate the information-provision requirements set out in this protocol. As an aid to developing these, a model skeleton protocol is attached as Annex 8.

Where the applicant is responsible for providing some of the information (as may be the case with choice-based lettings systems), the nominating agency shall ensure that this information is incorporated into the recording system associated with the protocol.

## Quality control: verifying, updating and controlling the information

Information should be relevant, accurate and up to date, and easily accessible to the client and parties to the agreement. There is a substantially increased chance of a successful nomination and a sustainable tenancy if all parties are open and honest about the characteristics and needs of the applicant. It is the responsibility of nominating agencies to use their best endeavours to make sure that this is the case, and the responsibility of the receiving landlord to feed back inaccuracies or updates. Measures to ensure this include:

- cross-checking consistency of the same information collated from different third parties;
- ensuring that internal records within the local authority are consistent (e.g. between social services and housing departments);

- implementing periodic update procedures (e.g. interviews with applicant, liaison with third party agencies, using case conferences to verify information). Giving applicants access to data they have supplied via web technologies should be considered if technically feasible;
- periodic data weeding, to ensure that out-of-date or irrelevant material is removed. Sensitive material – information on applicant behaviour, criminal and anti-social behaviour, medical and health information, etc. – should only be retained by the nominating agency for the time necessary to carry out the housing access process;
- ensuring that material is specific and factual, avoiding anecdote and subjective opinions. This is especially important in minimising the risk of unfair treatment of the applicant; and
- correction of data as indicated by the applicant.

## Communicating the information

Both the nominating agency and the receiving landlord should delegate the role of responsible officers for the collection, transfer and receipt of information to named individuals.

Whether the information is recorded manually or via the attached forms, at the point of nomination a full set of essential information plus flagged contacts to obtain more detailed information shall be supplied by responsible officers within the nominating agency to their counterparts at

the receiving landlord (or the landlord's agents). If only partial information is available, the rest should follow within two working days. Where nominations are activated for applicants that have been waiting on a housing list for a period of time, the nominating agency should take particular care to ensure that data is current.

Where the applicant is not nominated but is placed on a common housing register or choice-based lettings system database, this information and flagged details should be available at the point of placement. Whatever the allocation method, personal information will require an interview at some point between the nomination and the tenancy sign-up. This would usually be done by the receiving landlord, as part of their verification and support needs assessment of new tenants.

In circumstances where more than one applicant is nominated to a receiving landlord for one or more allocations in advance of the property becoming available, the full set of information should be provided as soon as an individual applicant is matched to an individual property.

Under data protection legislation, applicants have the right to be informed about what information is held about them, and are entitled to receive a copy of all the information which forms their personal data.



## Receiving the information

On receipt or take-up of the information, the receiving landlord should immediately acknowledge this back to the nominating agency.

Where it becomes apparent (for example, during allocation interview) that some information received is inaccurate or incomplete, details of this should be communicated back to the nominating agency for correction or update if necessary. If this additional information implies that the original nomination was inappropriate, or that special types of accommodation or service need to be provided by a specialist landlord or agency, the original nomination should be re-evaluated by the nominating agency. The relevant parties should discuss the nomination in an open and honest manner, and seek a mutually acceptable revised course of action.

Receiving landlords should not normally have to seek to verify information by dealing directly with third parties, unless they have been signposted as providers of additional information.

On acceptance, receiving landlords will use the signposting information to establish a full picture of the specific needs of the applicant, and requirements to ensure the tenancy is sustainable.

## Continuous information flow

Although this protocol is concerned with information exchange at the point of nomination and allocation, it is considered important that good information sharing arrangements between landlord and relevant local authority are maintained through the life of the tenancy. This will help with:

- early warning about risks to tenancy sustainment (e.g. rent arrears, anti-social behaviour);
- opportunities for prevention of homelessness (e.g. welfare benefits and financial advice); and
- changes to special needs and support requirements.

In these instances, responsibility will rest with the tenant's landlord to inform the relevant part of the local authority of the particular issue where the local authority may have a role in tenancy sustainment and prevention of homelessness. Examples could include problems around Housing Benefit delays, claims or take-up, the need for social services support; housing options and housing advice, and financial and benefits advice. Where arrears, anti-social behaviour or other

activities are potentially likely to lead to legal action and ultimately eviction, the local authority should be informed as early as possible. Local authorities and landlords operating within the boundary should jointly agree relevant points of contact for this type of information.

# Review arrangements

The overall operation of this protocol will be reviewed after one year's operation, through arrangements to be agreed between CLG, the Housing Corporation, LGA, London Councils and the NHF.

At the local level, a relevant and existing cross-organisational forum (e.g. a local authority/housing association liaison group) should 'own' the protocol. All participants should complete the Sign-Up form, attached at Annex 6.

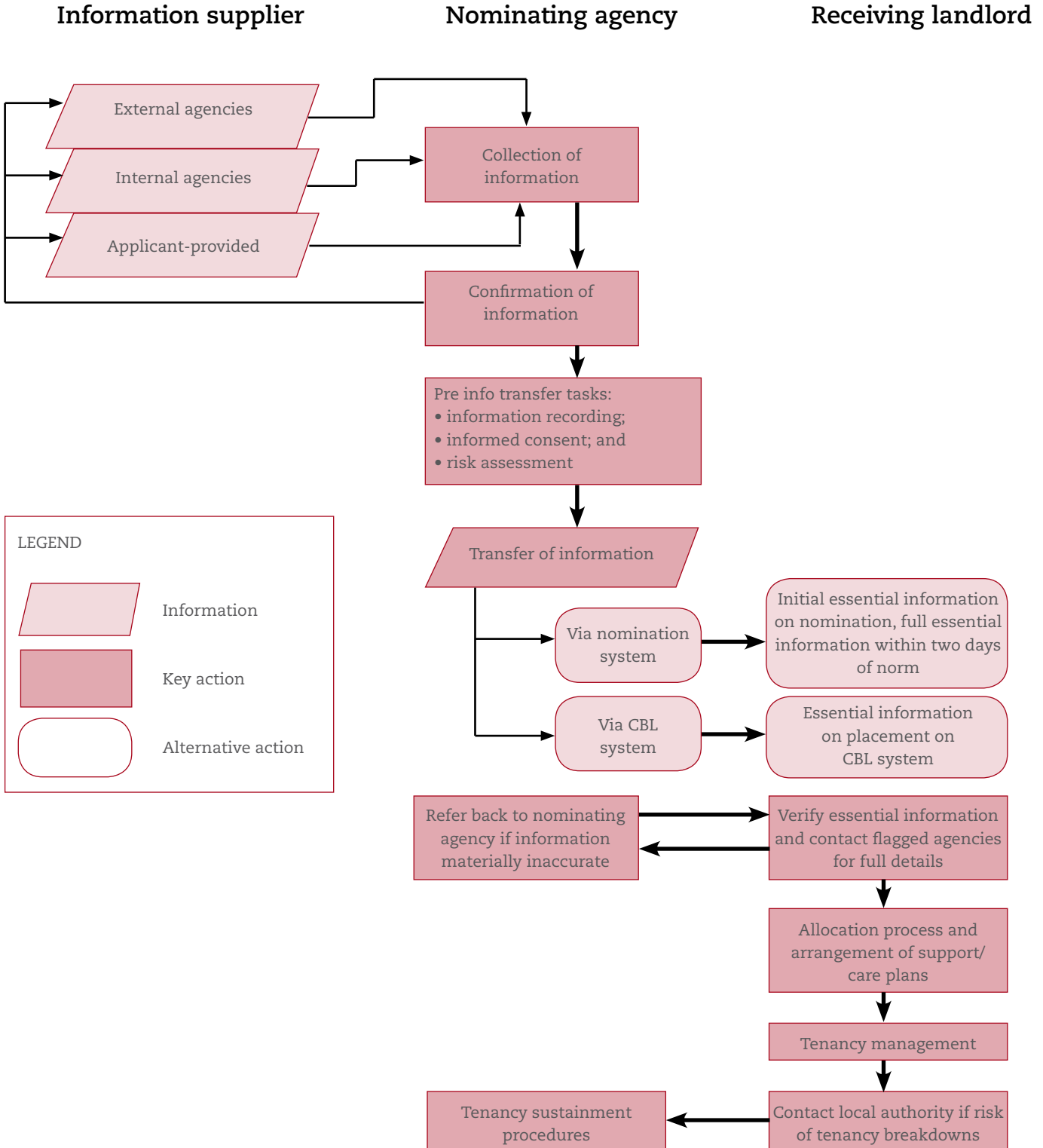
At a day-to-day level and one-to-one level, participating organisations should agree appropriate monitoring arrangements, which ideally should be part of existing monitoring arrangements of nominations and allocations, rather than a separate free-standing system. These should focus on exception reporting, where arrangements have broken down or disputes arisen.

More generally, the local operation of the protocol (at a local authority or sub-regional level) should be reviewed periodically by the forum, and should include locally determined arrangements for adding or removing parties to the protocol, and procedures for dealing with non-compliance with the protocol. Consideration should be given to incorporating applicant feedback on the operation of the protocol, preferably as part of wider

applicant feedback on the overall nomination/allocation/letting process. Furthermore, this should include a review of record retention and destruction arrangements.

The need to monitor outcomes of information sharing on the success of tenancies should be in the review arrangements at local level. Much can be learnt from the investigation of exceptions, refusals of nominations and failures of tenancies, so that unintentional, but detrimental effects on individuals, void times or prejudicial selection of tenants are not prevalent.

# Annex 1: Summary flowchart of the information exchange



# Annex 2a: Schedule of essential and flagged information

Reference number	Current address	email	Flag?	Flag contact details					
<b>Housing details</b>									
Surname	First name	Date of birth	Sex	Relationship to first member	Joint application?	Economic status [CORE Q3]	NI number	Ethnic group [CORE Q4]	Notes
Communication needs (language, disability - please specify)									
Immigration status (inc refugee/asylum seeker status relevant to application, eligibility for HB)									
									Y/N
									Y/N

Housing access route [CORE 14]				Notes	
Statutory Homeless: PIE priority categories	Tick	Other homeless: brief details	Other access channel	Tick	Previous/current tenancy details
Dependent child			Choice-based letting		Landlord/address
Pregnant			Common Register		
Vulnerable – old age			Common Alloc. System		
Vulnerable – physical			Direct application		
Vulnerable – mental health			Mobility scheme		
Vulnerable – young person			Mutual exchange		Commentment date
Vulnerable – domestic violence			Temporation accom.		
Vulnerable – other			Other		Termination date
Disaster					

History: applicable to applicant or any household member		
Issue	Brief details	Flag? Flag contact details
Evicted by former landlord or other in previous three years		Y/N
NISP issued in previous two years		Y/N
Anti-social behaviour issues		Y/N
Rent arrears history: outstanding, FTA, breach of repayment agreement		Y/N
Property damage		Y/N
Violence towards staff		Y/N
Undischarges high-risk criminal offences (violent crime, arson, sexual offences)		Y/N
Other/further notes		Y/N

<b>Risk assessment summary</b>		
<p>Note: this summary should be based on good practice in risk assessment, highlighted in the Information Sharing Protocol. The summary is not the full risk assessment, and both nominating agencies and receiving landlords need to be aware of this.</p>		
<b>Risk to whom?</b>	<b>Nature of risk</b>	<b>Level of risk</b> Scale of four: 1 – Very high; 2 – High; 3 – Medium; 4 – Low
		<b>Relevant contact details if not elsewhere</b>
Risk to other individuals	Risk to staff, contractors, neighbours, other household member and the community from violent of dangerous applicant/member of applicant household if incomplete of inadequate information provided to ensure appropriate support provided.	
Risk to applicant	Risk to applicant/household member of unfair treatment because of inadequate information, or of self-harm or abuse because of inadequate or inappropriate support provided.	
Risk to organisations	Risk to organisation of costs of tenancy failure, arrears, damage to property, higher void rates, dealing with anti-social behaviour; risk to reputation through poor publicity, if incomplete or inadequate information provided to ensure appropriate support provided.	

<b>Inter-agency details</b>			
Nominating agency			
Name of officer making nomination		Name of officer receiving nomination	
Post		Post	
Address		Address	
Phone		Phone	
Fax		Fax	
Email		Email	
Date of nomination		Date of nomination	
Signature of officer		Signature of officer	



# Annex 2b: Checklist for additional information

Name of head of household Surname		First name	
Reference number	Current address		email
Details of current accommodation status		Previous accommodation history	
Tick	Details	Start	End
	Friends/parents/relatives home		
	Split household		
	Institution with release date		
	Temporary accommodation (homeless)		
	Refuge (supply agency contact details)		
	Short-term hostel (supply contact details)		
	Sleeping rough (supply contact details)		
	Visiting children/carer bed need		
	Communication needs (language, disability – please specify)		
	Immigration status (inc. refugee/asylum seeker status relevant to application, eligibility for HB)		
			Landlord/address

Primary health education details			
GP contact details			
PCT/hospital contact			
Schools			
Housing access route [CORE 14]			
Statutory Homeless: P1E priority categories	tick	Other homeless: brief details	Other access channel!
Dependent child			Choice-based letting
Pregnant			Common Register
Vulnerable – old age			Common Alloc. System
Vulnerable – physical			Direct application
Vulnerable – mental health			Mobility scheme
Vulnerable – young person			Mutual exchange
Vulnerable – domestic violence			Temporation accom.
Vulnerable – other			Other
Disaster			
Vulnerability circumstances: applicable to applicant or any household member			
Issue	tick	Brief details/contact details	Issue
Physical ill health/impairment:			Committed arson
Frail elderly			Committed sexual assault or exposure
HIV/AIDS			Is a known danger to children

Notes

Brief details/contact details

tick

Issue

Brief details/contact details

tick

Issue

Vulnerability circumstances: applicable to applicant or any household member (continued)					
Issue	tick	Brief details/contact details	Issue	tick	Brief details/contact details
Vulnerable young person			MAPPA case		
Care Leaver			At risk of self harm		
Homeless single			Has learning difficulties		
Homeless family			Offender at risk		
Person at risk of domestic violence/ abuse			Sex worker		
Person at risk of other violence/ abuse			Recently left/leaving an institution		
Person with gambling problems			Rough sleeper		
Alcohol/drug/substance misuse			Traveller		
Mental health problems			Evicted for rent arrears		
Challenging behaviour			Evicted for nuisance/ASB		
Violent behaviour (to others)			Other need – please give details		

<b>Tenancy sustainment support</b>					
Type of support	Received	Required	Type of support	Received	Required
Benefit advice			Employment support/training		
Budgeting			Access to meaningful daytime activity		
Debt advice/counselling			Furniture or furniture grant/loan		
Rent arrears advice			Assistance with immigration status		
Advice on utilities			Visiting support		
Advice on tenancy terms			On-site support (during office hours)		
Life skills training			Little or no support required		
Access to more supportive housing if tenancy breaks down			Other (details)		
<b>Statutory care and other assessments applying</b>					
Type of assessment	Received	Applying?	Type of assessment	Received	Applying?
Care Management by social services			Care Programming Approach (Mental Health team)		
Statutorily homeless			Multi-agency Public Protection Arrangements (MAPPA)		
Eligible for RSI			Probation or Youth Offending Order		
Enhanced CPA			ASBO		
Drug Intervention Programme			Parenting order		
Other (details)					

Other referral agency contacts	
Organisation	Contact details
LA housing department	
SSD	
Community mental health team	
Health service/GP	
Young offending team	
Probation/prison service	
Outreach worker	
Police	
Voluntary agency	
Moving from other RSL	
Other	
Other support agency contacts	
Organisation	Contact details
Social worker (last five years)	
Probation officer	
Community Psychiatric Nurse	
Psychiatrist	
Drugs counsellor	
Alcohol counsellor	
Occupational therapist	
Psychologist	
Debt counsellor	
Keyworker/resettlement worker	
Outreach worker	
Other	

# Annex 3: Data protection – Rights of data subjects

## Individual's rights to see data

Sections 7 to 9 of the DPA 98 entitle an individual on making a request in writing and upon paying the appropriate fee to:

- be told whether they or someone else on their behalf is processing that individual's personal data; and if so
- be given a brief description of:
  - the personal data;
  - the purposes for which it is being processed; and
  - those people to whom that personal data is being or may be disclosed.

There is an exemption from having to disclose information where the information is:

- held by a local authority in connection with Housing Benefit administration relating to benefit overpayments or fraud;
- anonymised historical data kept for research purposes; or
- data which it is required by law to make available to the public.

There is also exemption for certain agencies disclosing health, education or social work information where that disclosure would be likely to cause serious harm to the physical or mental health of the individual or another person.

## Data subject's rights

### Preventing processing which is likely to cause substantial damage or distress

If an individual believes that a data controller is processing personal data in a way that causes or is likely to cause, substantial unwarranted damage or substantial unwarranted distress to them, then the individual has the right under Section 10 to send a notice to the data controller requiring her/him, within a reasonable time, to stop the processing. An individual is not entitled to serve a notice if any of the first four conditions of processing contained in Schedule 2 apply (i.e. data subject consent, contractual obligations of the data controller, other legal obligations of the data controller, or processing is necessary to protect the data subject's vital interests).

### Preventing direct marketing

An individual can by written notice under Section 11 require a data controller to cease or not to begin any processing of her/his personal data for direct marketing purposes. The data controller must comply as soon as possible.

### Preventing automated decision making

Under Section 12, an individual can serve a written notice on a data controller preventing any decision which significantly affects them being taken solely

by automated means. The Act also provides for exemption for certain decisions reached in this way from the provisions.

## Compensation for breaches

An individual can take action for compensation if that individual suffers damage, or damage and distress by any contravention of the Act by the data controller (Section 13). Damage includes financial loss or physical injury. If the individual can prove that damage has been suffered, the court may also award compensation for any distress which has also been suffered because of the breach of the Act. Damages for distress alone can be claimed where the contravention relates to the processing of personal data for special purposes (journalism, artistic or literary purposes). An individual will not be successful in a claim if the data controller is able to prove that she/he had taken such care as was reasonable in all the circumstances to comply with the relevant requirement.

## Rectification or deletion of incorrect data

Under Sections 14, 12A and 62, an individual has the right to take action to rectify, block, erase or destroy inaccurate data. Under Section 12A, a data subject may serve a notice in writing on a data controller requiring that the data controller rectify, block, erase or destroy exempt manual data which is inaccurate

or incomplete, or to cease holding exempt manual data in a way that is not compatible with the legitimate purposes pursued by the data controller. If the data controller fails to comply with the terms of such notice, a data subject may make an application to the court.

## Court application

Court applications arise in the following circumstances:

- claims for compensation must be made by a data subject to the court unless the matter is settled between the parties, even where the Commissioner has made an assessment that it is likely that the processing has not been or is not being carried out in compliance with the Act;
- a data subject can make an application to court under Section 14 of the Act for an order requiring the data controller to rectify, block, erase or destroy such data relating to that data subject which is inaccurate, together with any other personal data relating to the data subject which contains an expression of opinion which the court finds is based on inaccurate data;
- if a data controller fails to comply with the terms of a notice requiring that she/he rectify, block, erase or destroy inaccurate exempt manual data, a data subject can apply to the court for an order requiring the data controller to do so.

## Definitions

**Data:** Information which:

- is being processed by means of equipment operating automatically in response to instructions given for that purpose;
- is recorded with the intention that it should be processed by means of such equipment;
- is recorded as part of a relevant filing system;
- does not fall in any of the above but forms part of an Accessible Record; or
- is recorded information held by a public authority and does not fall within any of paragraphs (a) to (d).

**Data Controller:** A person who either alone or jointly or in common with others determines the purposes for which and the manner in which the Personal Data is or are to be processed.

**Data subject:** A living individual who is the subject of personal data.

**Sensitive personal data:**

- the racial or ethnic origin of the data subject;
- his political opinions;
- his religious beliefs or beliefs of a similar nature;
- whether he is a member of a trade union;
- his physical or mental health or condition;
- his sexual life;

- the commission or alleged commission by him of any offence; or
- any proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any court in such proceedings.

**Personal data:** Data which relates to a living individual who can be identified from that data or from those data and other information which is in the possession of or likely to be in the possession of the Data Controller.

**Processing:** Obtaining, recording or holding information or data or carrying out any operation or set of operations on the information or data including:

- organisation, adaptation or alteration of the information or data;
- retrieval, consultation or use of the information or data;
- disclosure of the information or data by transmission, dissemination or otherwise making available; or
- alignment, combination, blocking, erasure or destruction of the information or data.

**Vital interest:** An interest which is essential to the data subject's life (life or death situation).



# Annex 4: Housing Benefits and data sharing

Whereas the Information Commissioner is keen for government and local authority departments to share information and comply with the requirements of the DPA Act 1998, the Department of Work and Pensions is constrained by the Social Security Act 1992 from allowing any use of its data for purposes other than social security and benefit administration.

This stems in particular from Section 123 of the Act that makes it an offence for anyone who is employed in the administration of benefits to disclose personal information acquired in the course of their employment “without lawful authority”. In order to be lawful, there must be a legal power justifying disclosure, and personal consent or housing circumstances of a client do not justify disclosure.

It is the DWP view that the only data to be shared between it and local authorities should be for the purpose of administering benefits claims, including investigating overpayments, fraud, error and entitlement to benefit. DWP data cannot be used for other activity, such as rent arrears or for tenancy issues.

The legal and DWP’s position on this is very clear. However, government initiatives, such as the Varney Government Transformation Review, indicate the increasing need for information sharing so that electronic data can be accessed by government agencies and local authorities. Security and access to data measures underpinning local agreements may well provide

sufficient basis for effective data sharing. Local agreements and this national protocol are not likely to be sufficient, in the case of benefits administration, to create the “lawful authority” for sharing information on DWP databases.

A change in legislation is needed to support information sharing of DWP database information for the proper access to housing for those in housing need. It is hoped that all parties to the protocol will work towards this.

# Annex 5: Definitions of terms used

**ALMO:** Arms Length Management Organisation.

**ATHISP:** Access to Housing: Information Sharing Protocol.

**Caldicott Report:** Influential report into confidentiality around health information, with widely applicable general principles (<http://www.hpa.org.uk/caldicott/default.htm>).

**Checklists and additional information:** Aids to nominating agencies and receiving landlords concerning additional information relevant to the applicant. Related to flagged information, but not mandatory under this protocol.

**Choice-based lettings (CBL):** A system that gives applicants a degree of choice in expressing preferences for and being let different homes.

**Common Allocation Policy (CAP):** An agreement between different landlords in an area to use the same criteria for assessing households eligibility for housing.

**Common Housing Register (CHR):** A system where the details of applicants for housing within an area are held on a common database, shared by landlords participating in the scheme.

**Contractor:** An organisation employed by a local authority to carry out the homelessness administration and processing function, or other administrative housing functions. Usually part of a transfer housing association, but can also be private sector.

**CORE:** Continuous Recording of Lettings system, used by all housing associations and increasing numbers of local authorities to record demographic details of households re-housed, and details of properties allocated.

**DPA 98:** Data Protection Act 1998.

**Flagged information:** Mandatory indicators placed by nominating agency to signal that receiving landlord needs to gather additional important information about the applicant's household under this protocol.

**Mobility schemes:** Schemes to facilitate households moving between different localities and different landlords. Where such schemes involve the existing landlord providing information regarding the applicant, they fall under this protocol. If they are purely driven by individual applicants providing information, they are outside the protocol.

**Managers of temporary accommodation:** The part of a housing association, local authority housing department, or private sector agency responsible for allocating and managing private sector leased or similar homes, for the medium-term housing of statutory homeless households. For the purpose of this protocol, these are treated as receiving landlords.

**Nominating agency:** The agency responsible for nominating or referring a household for housing or re-housing. Generally the local authority Housing Department, but can be a local authority agency or contractor, a housing association where it carries out the homelessness administration function on behalf of the local authority, a voluntary sector agency or the allocations arm within a local authority that has retained its stock.

**Nomination:** The referral of a household to a receiving landlord for re-housing, under a formal agreement between the organisations.

**Receiving landlord:** The landlord responsible for allocating and letting a property to the nominated or referred household. Generally a housing association or ALMO, but it could be a voluntary sector organisation or the housing lettings and management arm of a stock-retaining local authority. See also Managers of Temporary Accommodation.

**Spinal information:** Mandatory core information to be provided by a nominating agency at the point of nomination under this protocol.

**Statutory homelessness households:** Those assessed by the nominating agency as homeless within the legal definition contained in the Housing Act 1996; and, if in priority need and not intentionally homeless, entitled to temporary accommodation and longer-term housing duties. Housing associations have legal duties to assist local authorities in the carrying out of their statutory homelessness functions.

# Annex 6: Protocol sign-up form

The flow of relevant and timely information about re-housing applicants is seen as an essential tool in creating and sustaining strong tenancies and preventing homelessness. The purpose of the protocol is to ensure robust, transparent and fair arrangements are in place to ensure this information flow. All parties signatory to this protocol agree that they will implement the protocol in full, in a spirit of trust and co-operation.

As such, they specifically undertake to:

- integrate the requirements of this protocol into their existing or future nomination, referral, allocations and lettings procedures;
- delegate named officers as responsible for the collection, maintenance and transfer of information;
- adhere to the principles and practice around data protection outlined in the protocol;
- jointly introduce mechanisms for monitoring, evaluating and reviewing the protocol; and
- ensure that staff are fully trained in the operation of the protocol, and adhere to the protocol.

**Signed:**

Name	Signature	Post	Organisation	Date

# Annex 7: Applicant information release consent statement

## Statement by nominating agency:

“All the information provided in this application form is held on a computerised database and is used to assist XXX [nominating agency] to assess your eligibility for re-housing. It is then used to help your potential landlord to re-house you in an appropriate home, and to supply and manage support services. All relevant information will be passed on to the appropriate housing provider and any agency that will provide housing-related support.”

## Client declaration:

“I have read, or have been read, the above statement, and I understand it. I agree that all the information provided in this application form is correct and true and that any details can be passed to the relevant housing provider and any agency that will be providing housing-related support at the point of nomination.”

# Annex 8: Model checklist for protocol with external agency

## Information sharing agreement and protocol

### Between the following organisations:

Organisation A name .....

Organisation B name .....

Etc.

### General principles

- Each organisation to appoint responsible officer responsible for protection of personal information;
- Each organisation to take appropriate measures to comply with DPA 1998, Caldicott Report, Human Rights Act 1998, Crime and Disorder Act 1998, other relevant legislation;
- These to include implementing informed consent procedures with applicants, authorising disclosure to and within parties to this agreement;
- Ensuring DPA notification with the Information Commissioner covers this disclosure;
- Commitments to review practice, train and issues guidelines to staff, including procedures to keep non-disclosable information separate from disclosable information;
- Arrangements to ensure compliance; and
- Date for review of protocol.

(For example)

### Purposes of protocol – to share information in order to:

- ensure appropriate housing care and support put in place;
- ensure appropriate accommodation provided; and
- prevent homelessness.

(For example)

### Summary of information to be supplied and shared

(Use annex 2)

### Processes and operational procedures

(Tie these into timescales and processes within ATHSIP protocol)

**Signatures of officers** empowered to enter into this agreement

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We can provide copies in large print, Braille and audio cassette, on request. Other language versions may also be available.

## **Access to housing Information Sharing Protocol**

This publication sets out a national standard protocol on sharing information about applicants for re-housing. It has been developed to be adaptable for the range of organisations and agencies working in this field.