

## **Title of policy: A Question of Balance – Independent Assurance of Information Governance Returns**

### **Short description of policy:**

The NHS Operating Framework 2010/2011, through the NHS Informatics Planning Guidance Annex 1 (National Expectations) stated that: "An IG audit utilising the centrally provided audit methodology should be included within the work plans of each organisations' auditors".

To ensure a common approach to such an audit across the NHS, the Informatics Directorate of the Department of Health commissioned an internal audit assurance framework for the Information Governance Toolkit (IGT) self-assessments. The Department asked the Audit Commission to lead on the development, supported by Mersey Internal Audit Agency and South Coast Audit & Consultancy Services. The framework applies to the following organisations:

- Primary Care trusts
- Acute trusts
- Foundation trusts
- Mental Health trusts
- Ambulance trusts
- Strategic Health Authorities.

It can however be adapted for the audit of non-NHS organisations such as Commercial Third Parties and NHS Business Partners. In light of the recent White Paper, it is anticipated that discussions will be held as to the utilisation of the framework for and by GP commissioning bodies.

The internal audit framework comprises of:

- A series of audit requirements: 'A Question of Balance - Audit Requirements', (matched to the Toolkit requirements). These note the assurance required and the potential sources of evidence across three levels of compliance. They also contain mapping to other parts of the audit framework.
- Evidence review guides: 'A Question of Balance - Evidence Review Guides'. These are generic guides that cover common evidence items such as minutes, strategies, policies, intranet content and job descriptions and are there to support the auditor in reviewing these types of evidence.
- The questions for a staff survey: 'A Question of Balance - Staff Survey' designed to provide a perspective on the evidence from document review and interviews. The survey should take no longer than 15 minutes to complete.

The framework is supported by:

- A summary of the guidance 'A Question of Balance - Guidance Summary' with forewords by Giles Wilmore, Director of Policy & Planning, Informatics Directorate, Department of Health and Andy McKeon, Managing Director for Health, Audit Commission.
- A guide for internal auditors: 'A Question of Balance - Guidance for Internal Auditors' a comprehensive guide that includes information on the internal audit framework, the purpose and scope of the audit and the IG Toolkit. The appendices include example

terms of reference for the audit and a worked example of the audit process.

### Negative impact

How could the policy have a **significant** negative impact on equality in relation to each area?

Age, Disability, Ethnicity, Gender (including transgendered people), Religion or Belief, Sexual Orientation, Socio Economic Groups

We do not anticipate that there will be any negative impact on the above groups.

### Positive impact

Could the policy have a **significant** positive impact on equality by reducing inequalities that already exist? The Framework includes evidence review guides and the questions for the staff survey to enable NHS auditors adopt a common approach across all organisations to ensure that the equality duties are addressed.

Explain how will it meet our duty to:

- 1. Promote equal opportunities.** Organisations will be required to demonstrate that staff information governance training needs have been assessed and that all staff have access to the IG training materials provided in the NHS IG Training Tool and/or to local IG training material that is in line with the Department of Health IG policy for the NHS. Evidence will also be sought that training delivery meets a range of learning styles.
- 2. Get rid of discrimination.** The audit will look for evidence that communication materials about the handling of personal information is easy to read, available in alternative formats and is located in places that are accessible to service users and the public. Compliance with organisational procedures will be checked to ensure the personal information of all service users is treated equally and with due respect for confidentiality.
- 3. Get rid of harassment.** Auditors will seek evidence that in the event of actual or potential IG incidents local policies, strategies and procedures provide for equal treatment (eg retraining, disciplinary measures, etc) of the staff concerned irrespective of grade, type of contract or length of service. .

<p>4. Promote <b>good community relations</b>. Evidence will be sought that service users' queries about the use of their personal information are answered in an appropriate manner. Organisations will be required to demonstrate that applicants requesting access to their own information or access to information about the organisation are assisted to formulate the request where necessary and requests are responded to within or earlier than the timescales set out in the Data Protection Act 1998 and the Freedom of Information Act 2000.</p>
<p>5. Promote <b>positive attitudes</b> towards disabled people: The audit will look for evidence that staff in need of reasonable adjustments are catered for in IG training /communication provision and that service users with special or different needs have equal access to materials about how their information is used and how they can access their own information.</p>
<p>6. Encourage <b>participation</b> by disabled people: The audit will look for evidence that stakeholders are engaged in the development of appropriate communication materials.</p>
<p>7. Consider <b>more favourable treatment</b> of disabled people. Auditors will seek evidence that all communications about information governance whether for service users or staff are available across a range of media, and that web based content meets the W3C standards.</p>
<p>8. Promote and protect <b>human rights</b></p> <p>The main aim of the policy is to protect the human rights of service users by ensuring that their personal information is treated equally and with due respect for their right to respect for their private life. There will be evidence that work is being done to achieve this aim if NHS organisations can demonstrate that staff are appropriately trained, comply with the rules regarding the processing (including holding, obtaining, recording, using and sharing) of personal information and ask questions when they are unsure. Full compliance will increase service users' confidence in the organisation's ability to manage their information securely and the individual is therefore more likely to provide accurate, up-to-date information which ultimately improves the quality of care and services they receive.</p>

**Evidence**

What is the evidence for your answers to the above questions?

## **1. The Cabinet Office: Data Handling Review 2008**

The Data Handling Review (DHR) identified a failure to protect individual's privacy through poor confidentiality and security measures. It recommended that to protect all patients' records NHS organisations should 'measure security through audit and monitoring to a defined standard'. The audit framework within "*A Question of Balance – Independent Assurance of Information Governance Returns*" represents the defined auditing standard for NHS organisations. The implementation of the audit framework will assist NHS organisations to flag up and address any continuing confidentiality and security concerns by focusing on what further steps they need to take to protect service users' personal information and their right to respect for their private life.

See [Cabinet Office: Data Handling Review](#)

## **2. Cabinet Office: Protecting Information in Government 2010**

The Cabinet Office has since published a report relating to the progress made against the DHR requirements and highlighting areas where more needs to be done. Under Annex A measure 7: "*Monitor Application of Measures to Protect Personal Information*", the report states that this work is established and ongoing and that departments have established compliance regimes that regularly monitor and report on the handling of personal information. The audit framework within "*A Question of Balance – Independent Assurance of Information Governance Returns*" represents a layer of the compliance regime for NHS organisations.

See: [Cabinet Office: Protecting Information in Government](#)

## **3. NHS staff surveys 2005 - 2008**

These revealed that approximately two thirds of staff members that responded had received training in how to handle confidential information about service users. There was a 5% rise from 2007 to 2008, perhaps reflecting the increased importance placed on staff training in the DHR, and the availability of the IG Training Tool e-learning modules. Although the incidence of staff responding "no" had decreased by 3% in 2008, it is still of great concern that at that time approximately one third of staff continued to receive no confidentiality training. This situation might account for the continued presence of NHS organisations on the news pages of the Information Commissioner website due to breaches of the Data Protection Act 1998. The audit framework "*A Question of Balance – Independent Assurance of Information Governance Returns*" will determine whether NHS organisations are meeting the mandated requirement to provide basic IG training to all their staff, and if they are not, it will provide information about and insight into any challenges that must be overcome to attain the target.

See: [Information Commissioner: Enforcement Notices](#)

What does available research say?

### **1. UKCCG: Patients thoughts on confidentiality and information sharing in the NHS**

A small study was carried out by the UK Council of Caldicott Guardians (UKCCG) which is sponsored by DH Informatics Directorate. Participants were from the Royal College of Physicians - Patient and Carer Network. The

discussions and responses revealed some of the reasons why patients are not convinced that their confidentiality is always appropriately protected, and the participants identified several ways the NHS could improve patients' perception of confidentiality, some of which were:

- ensuring healthcare staff were adequately trained in confidentiality and information sharing, to be able to proactively inform patients of their choices and to answer patients' questions;
- educating patients about their confidentiality and information sharing rights.

See: [UKCCG: Caldicott Newsletter Issue 12](#)

Evidence about organisational compliance with the points raised by the study participants can be determined by application of the audit framework within "A Question of Balance – Independent Assurance of Information Governance Returns".

## 2. Care Quality Commission - a national Information Governance study

The study titled "*The right information, in the right place, at the right time*" reviewed information governance performance in healthcare organisations (NHS and selected independent sector healthcare providers) in England. The recommendations for DH Informatics Directorate were to:

- continue to develop the tools that support the performance assessment and management of information to reflect patient care pathways (for example, mental health services) and outcomes for patients such as the safety and quality of care;
- make mandatory the use of external validation and audit (by NHS internal audit or external auditors) of healthcare organisations' self assessments using these tools.

See: [Care Quality Commission: Information Governance in Healthcare Organisations](#)

The audit framework "A Question of Balance – Independent Assurance of Information Governance Returns" represents the means of external validation and audit recommended by the Care Quality Commission.

What further research or data do you need to fill any gaps in your understanding of the potential or known effects of the policy? N/A

Have you thought about commissioning new data or research?

N/A

<b>Screening assessment</b>
Now that you have looked at the evidence, do you think that the policy needs a <b>Full EqIA</b> ? No

<b>Next steps</b>
If you do <b>not</b> need to do a <b>Full EqIA</b> :
<p>How will you <b>monitor</b> the situation as the policy develops and takes effect?</p> <p><i>“A Question of Balance – Independent Assurance of Information Governance Returns”</i> provides a framework to ensure that all NHS organisations are adopting a common approach to information governance with the ultimate aim of protecting the confidentiality and security of service users’ personal information and ensuring that good quality information is collected and can be relied upon to provide the services that users require. The ability to adapt it to other organisations not initially included will assure service users that their personal information is appropriately handled wherever that care is delivered.</p> <p>For the future, further studies on NHS compliance with information governance requirements are likely to be carried out. The external audits may provide a useful source of already gathered information along with information about breaches collected by the Information Commissioner and other monitoring organisations, such as the Care Quality Commission and Monitor.</p>
What <b>further research</b> do you need? N/A
<b>For the record</b>
<p><b>Name of person who carried out the EqIA:</b></p> <p>Liz Waddington</p>
<p><b>Date EqIA completed:</b></p> <p>16 September 2010</p>
<p><b>Name of Director/Director General who signed the EqIA:</b></p> <p>Giles Wilmore</p>
<p><b>Date EqIA was signed:</b></p> <p><b>2 Oct 2010</b></p>