

Health and Social Care Information Centre
Minutes of Board Meeting – Wednesday 15 January 2014

Public Session

Present:

Chair Kingsley Manning

Non-Executive Directors: Tony Allen
Sir Ian Andrews
Lucinda Bolton
Sir Nick Partridge

CEO Alan Perkins

Executive Directors:

Director of HR and Transformation Rachael Allsop
Director of Clinical and Public Assurance Dr Mark Davies
Director of Information and Data Services Max Jones
Director of Finance and Corporate Services Carl Vincent

In attendance:

Director of LSP Delivery Tom Denwood
Director of Programme Delivery James Hawkins
Director of Operations and Technical Services Rob Shaw
Board Secretary Annabelle McGuire

Observers:

DH Sponsor Team Peter Hall
DH Sponsor Team Vicky Cave
DH Sponsor Team John Cain
NHS England Stephen Hoy
HSCIC Charles Lumley
HSCIC Steve Bruggenworth
HSCIC John Willshire
HSCIC Martin Denny

1 Chair's Introduction and Apologies (HSCIC 13 12 01)

- 1.1 The Chair convened a meeting of the HSCIC Board.
- 1.2 Apologies were received from Non-Executive Director Mike Pearson

2 Declarations of Interest and Minutes (HSCIC 13 12 02)

- 2.1 (a) Register of Interests: The Board Register of Interests was confirmed as correct.
- 2.2 (b) Minutes of Board meetings on 23 October: The Board ratified the minutes of the meeting on 04 December 2013 as correct.
- 2.3 (c) Progress on action points: The Board noted the progress on action points arising from the previous meetings.
- 2.4 (d) Matters Arising: The Board noted the following matters arising:
 - The Chair confirmed he had written to Mark Davies, Department of Health Sponsor Team, regarding the HSCIC's role in supporting the health and social care system from an information governance perspective, and Richard Wild, Executive Advisor, was engaged in conversations. A response to the correspondence had not yet been received.
 - The Chair confirmed he had written to the Department of Health Sponsor regarding the governance arrangements for the care.data programme, the correspondence had not been copied to Malcolm Grant, NHS England Board Chair.

3 Business/Performance Reporting (HSCIC 13 12 03)

- 3.1 (a) Board Performance Pack (paper): The CEO referred to paper HSCIC 13 12 03 (a) the purpose of which was to present the Board with progress on measuring, managing and reporting performance in November along with other management information. He stated the changes proposed at the December Board had been included ensuring the performance pack's continued development.

The following points were highlighted:

- Delivery confidence for programmes was increasingly positive. The LSP¹ and Data and Information Services directorate programmes were now included.
- The organisation's financial position remained an area of concern, the underspend continuing as a result of over budgeting and under recruitment.
- Organisational health, in particular recruitment, remained an area requiring continued attention.
- The use of directorate level performance packs in the CEO's monthly discussions with directors was increasing as the system matured.

Director reporting by exception:

- The Director of Data and Information Services provided an update on the Improving Access to Psychological Therapies stakeholder events held in December, which had gone well. The Board requested a list of attendees, which the Director of Data and Information Services agreed he would share.

Action: Director of Data and Information Services

- The Director of Data and Information Services was asked about the epSOS² project and if this presented any risks in cross-border flows of patient confidential data. The Director of Data and Information Services stated he would provide an update regarding the mitigation the programme proposed in this respect.

Action: Director of Data and Information Services

¹ Local Service Provider

² epSOS – the European eHealth Project

- The Director of Programme Delivery provided an update on programme achievement. He brought the GP Systems of Choice programme to the Boards attention, which was complex and challenging.
- The Director of Operations and Technical Services provided an update on service performance and high severity incidents. He covered service outages of note, which had occurred since the reporting period. The Board were informed work was on-going with regard to the wider incident reporting KPI³s, to ensure suitability, this was being tracked by the Executive Management Team. The Board invited the Director of Operations and Technical Services to provide a breakdown of information governance incidents at the March Board.

Action: Director of Operations and Technical Services

- The Director of Operations and Technical Services noted incident reporting should be encouraged across the organisation. The Chair invited the Director of Operations and Technical Services and Richard Wild, Executive Advisor, to link this with the external Informatics Governance Advisory Review and provide a root and branch review of HSCIC Information Governance and Assurance to come to the March Board.

Action: Director of Operations and Technical Services

- The Director of Clinical and Public Assurance provided an update on stakeholder and customer satisfaction KPIs which he noted were in the early stages of development, potentially disguising a large amount of work on-going in these areas.
- The Director of Data and Information Services provided an updated on data quality, he stated that there had been no high severity incidents in the reporting period. The Board asked for assurance that incidents had been resolved effectively was included. The Board requested a quarterly report of organisations that had requested or had contracts with the HSCIC for the provision of data. This would include the reason for the request, and the legal basis on which the data had been supplied.

Action: Director of Data and Information Services

- The Director of Finance and Corporate Services provided an update on the current financial position. The organisational underspend was predominantly caused by the number of vacancies. He informed the Board the Executive Management Team were working on refining forecasting, and it was hoped forecasting would improve by the end of the financial year. It was noted that increasingly detailed financial information would be included in the performance pack.
- The Director of HR and Transformation provided an update on organisational health and recruitment. She emphasised there was a plan in place for addressing the current recruitment situation.

- 3.2 (b) Care.data Programme update (verbal): The Director of Data and Information Services gave a verbal update on the care.data programme. He informed the Board the household leaflet drop was now underway. NHS England had employed a market research company to evaluate the effectiveness of the leaflet drop. There was additional support in the form of a helpline and further information on the NHS Choices web site. It was noted a number of charities had recently expressed support in the media for sharing data. The strategic outline case was to be discussed at the next care.data programme board. Due to the strategic impact of the programme the Board invited the Director of Data and Information Services to bring the business case to subsequent Board meetings as part of the approval process.

Action: Director of Data and Information Services

- 3.3 (b)i. Establishment of Information Systems for NHS Services: Collections and Analysis of Primary Care Data Directions 2013 (paper) HSCIC 13 12 03 (b) (i): The Board noted the Directions had been signed and formally accepted.

³ Key performance Indicators

- 3.4 (c) i. Data Services for Commissioners Directions (paper) HSCIC 13 12 03 (c) (i): The Board noted that the basis for the Directions was to maintain health care commissioning activities and it was therefore expedient to do so. The Board accepted the Directions, which included a minor amendment to correct the omission of 'Clinical Registry Data', tabled at the Board.

(c)ii Data Services for Commissioners update: The Director of Data and Information Services introduced an update. Martin Dennys, Programme Director Data Services for Commissioners, updated the Board in respect to the current status of the programme. There remained in place a number of secondees working in Clinical Support Units, supported by ten business leads with the responsibility for data and pseudonymisation. Increasing rigour was being applied to supervising information governance matters. The Board noted the current arrangements were due to expire in September 2014, and reiterated interest regarding the risks. The Chair thanked the Programme Director and his team for the hard work they had put in on the programme, which had yielded improvements. The Board noted the use of the term Accredited Safe Haven (ASH) in the supporting documentation was not appropriate as ASH's had not yet been defined. Input regarding the definition of an ASH was being progressed on behalf of the HSCIC by the Director of Operations and Technical Services.

4 **Strategic/Policy Items** (HSCIC 13 12 04)

- 4.1 (a) Draft Business Plan for 2014-15 (paper): The CEO referred to paper HSCIC 13 12 04 (a) which was the first draft of the HSCIC Business Plan for 2014-15. The aim was to give the Board visibility of the work in progress. He reported that a copy had been submitted to the Department of Health Sponsor Team on 06 January as required. He informed the Board there was a workshop on 16 January 2014 where the Executive Management Team members would present directorate level plans to him, the Chair and each other to provide an opportunity for peer review and challenge. The Board suggested a number of improvements, to be included in the subsequent more detailed draft to be tabled at the February Board. The final Business Plan for 2014-15 was scheduled for the March Board. The non-Executive Directors were requested to submit comments on the next draft ahead of the Board if possible.

- 4.2 (b) Data Controller ICO⁴ Response (verbal): The Director of Operations and Technical Services provided the Board with an update on the issue of data controllership with respect to the care.data programme. The response from the ICO had not been followed up from a legal perspective, as he believed it to be in essence accurate. He considered the issue to be data custodianship, and this should be considered as a priority when drafting the MoU⁵. The Board noted the processes by which the data was administered should be clear and understood by all parties

- 4.3 (c) NHS Direct status (paper): The Director of Programme Delivery referred to paper HSCIC 13 12 04 (c). The purpose was to update the Board on the progress of transfer of services from NHS Direct. The costs for each service were stated as well as the number of staff who were proposed to transfer. The Board noted the current position. He confirmed he would bring a paper to the February Board for a final decision.

Action: Director of Programme Delivery

- 4.4 (d) International MoU between the USA, NHS England and HSCIC on Health IT: The Director of Clinical and Public Assurance referred to paper HSCIC 13 12 04 (d). The objective was to gain Board approval to enable the process for signing by the Secretary of State. He provided a summary of the background to the development of the relationship between the countries. The Board noted there were no costs or resource requirements associated with the MoU. The Board approved the MoU.

5 **Governance/Accountability Issues** (HSCIC 13 12 05)

- 5.1 (a) Framework Agreement / Corporate Governance Manual / Board Terms of Reference (paper): The Director of Finance and Corporate Services referred to paper HSCIC 13 12 05

⁴ Information Commissioners Office

⁵ Memorandum of Understanding

(a) which covered the HSCIC corporate governance and accountability arrangements and its partnership relationship with the Department of Health and the wider health and social care system.

- Department of Health Framework Agreement: The Director of Finance and Corporate Services recommended the Board adopt the Framework Agreement between the Department of Health and the HSCIC. He noted some changes might subsequently be made as it was a draft document, however these would not be material. The Chair informed the Board he had discussed with the Senior Department Sponsor the need for a mandate, and the framework agreement should therefore be set in this context. The Board endorsed the adoption of the Framework Agreement.
- HSCIC Corporate Governance Manual: The Director of Finance and Corporate Services recommended the Board adopt the HSCIC Corporate Governance Manual. The provision of assurance regarding governance was provided via the Statement of Internal Control. The Board agreed the document would require an annual review, which would be overseen by the Assurance and Risk Committee. The first review would be in July 2014, the document would then come back to the September Board for approval. The Board agreed any substantial changes to the document would be highlighted, prior to approval, so they were easily identifiable. The Board observed the Board Terms of Reference contained some drafting notes and should be reviewed in the same timescale. The Board endorsed the adoption of the current Corporate Governance Manual.

Action: Director of Finance and Corporate Services.

- 5.2 (b) Appointment of HSCIC SIRO⁶ (paper): The CEO referred to paper HSCIC 13 12 05 (b), the objective was to appoint a SIRO for the organisation. The Board endorsed the appointment of Rob Shaw the Director of Operations and Technical Services as the HSCIC SIRO. The Chair of the Assurance and Risk committee invited the Director of Operations and Technical Services to attend all future Assurance and Risk Committees, as this was a requirement of the SIRO role.
- 5.3 (c) Board Forward Business Schedule for 2013-14 and 2014-15 (paper): the Board noted the forward business schedules for 2013-14 and for 2014-15, paper HSCIC 13 12 05 (c). The Chair informed the Board the document was a work in progress due to the changes in membership the Board would encounter in the forthcoming months.

6 **Any Other Business** (HSCIC 13 12 06)

- 6.1 There was no other business discussed.

7 **Background Paper(s)** (HSCIC 13 12 07)

- 7.1 (a) Care Bill 2013/14 briefing paper: The Chair referred to the background paper HSCIC 13 12 07 (a) which provided an update on the Care Bill. The document explained the importance of the Care Bill and the implications for the HSCIC. The Board requested the Executive Management Team consider the practical implications for implementation. The Assistant Director of Strategy and Policy was invited to prepare an update paper for the March Board.

Action: Assistant Director of Strategy and Policy

(b) Forthcoming statistical publications: The Board noted the background paper HSCIC 13 12 07 (b) which described HSCIC Official Statistics publications planned for February 2014, media coverage for press released Official Statistics publications and web activity for publications released in November 2013.

8 **Board Resolution on Private Session**

- 8.1 The HSCIC Board passed a resolution pursuant to the Public Bodies (Admissions to Meetings) Act 1960 representatives of the press and other members of the public be excluded

⁶ Senior Information Risk Owner

from the remainder of the meeting having regard to the confidential nature of the business to be transacted, publicity on which would be prejudicial to the public interest (Section 1(2) (Admissions to Meetings) Act 1960).

8.2 The date of the next meeting was arranged to be 05 February 2014.

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The Board invited the Director of Operations and Technical Services to provide a breakdown of information governance incidents at the March Board.	Director of Operations and Technical Services
The Director of Operations and Technical Services noted incident reporting should be encouraged across the organisation. The Chair invited the Director of Operations and Technical Services and Richard Wild, Executive Advisor, to link this with the external Informatics Governance Advisory Review and provide a root and branch review of HSCIC Information Governance and Assurance to come to the March Board.	Director of Operations and Technical Services
The Board requested a quarterly report of organisations that had requested or had contracts with the HSCIC for the provision of data. This would include the reason for the request, and the legal basis on which the data had been supplied.	Director of Data and Information Services
Due to the strategic impact of the programme the Board invited the Director of Data and Information Services to bring the business case to subsequent Board meetings as part of the approval process.	Director of Data and Information Services
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Corporate Governance Manual: The Board agreed the document would require an annual review, which would be overseen by the Assurance and Risk Committee. The first review would be in July 2014, the document would then come back to the September Board for approval. The Board agreed any substantial changes to the document would be highlighted, prior to approval, so they were easily identifiable. The Board observed the Board Terms of Reference contained some drafting notes and should be reviewed in the same timescale. The Board endorsed the adoption of the current Corporate Governance Manual.	Director of Finance and Corporate Services
Care Bill: The Assistant Director of Strategy and Policy was invited to prepare an update paper for the March Board.	Assistant Director of Strategy and Policy