

NHS Digital

Minutes of Board Meetings

Wednesday 07 September 2016

Part 1 - Public Session

Present:

Non-Executive Director (Chair)	Noel Gordon
Non-Executive Director (Vice-Chair)	Sir Nick Partridge
Non-Executive Director	Dr Sarah Blackburn
Non-Executive Director	Sir John Chisholm (until 11:30am)
Non-Executive Director	Prof. Maria Goddard
Chief Executive Officer	Andy Williams
Chief Operating Officer	Rob Shaw
Director of Finance and Corporate Services	Carl Vincent

In attendance:

Medical Director and Caldicott Guardian	Prof. Martin Severs
Secretary to the Board	Annabelle McGuire

1. **Chair's Introduction and Apologies** NHSD 16 03 01 (P1)

- 1.1 The Chair convened a meeting of the NHSD Digital Board. The Chair noted this was the first meeting for Tamara Finkelstein Director General for Community Care (Department of Health (DH)), and Keith McNeill NHS Chief Clinical Information Officer and welcomed them as members of the Board.
- 1.2 The Chair confirmed that Tamara Finkelstein Director General for Community Care DH, Keith McNeill NHS Chief Clinical Information Officer (CCIO), Sir Ian Andrews Non-Executive Director, Rachael Allsop the Director of Workforce, and Beverley Bryant the Director of Digital Transformation had registered their apologies for the meeting. The Chair noted that Sir John Chisholm would leave the meeting at 11:30am. He confirmed the meeting was quorate.

2. **Declaration of Interests and Minutes** NHSD 16 03 02 (P1)

- 2.1 (a) Register of Interest (paper): NHSD 16 03 02 (a) (P1)

The Board agreed the register of interests was correct.

- 2.2 (b) Minutes of Board Meeting on 08 June 2016 (paper): NHSD 16 03 02 (b) (P1)

The Board ratified the minutes of the meeting on 08 June 2016.

- 2.3 (c) Matters Arising (oral): NHSD 16 03 02 (c) (P1)

There were no matters arising raised.

- 2.4 (d) Progress on Action Points (paper): NHSD 16 03 02 (d) (P1)

The Board noted the progress on action points resulting from the previous meetings.

3. **Strategic and Operational Delivery Performance** NHSD 16 03 03 (P1)

- 3.1 (a) Board Performance Pack (paper): NHSD 16 03 03 (a) (P1)

The Chief Executive Officer (CEO) presented this item. The purpose was to provide the Board with a summary of NHS Digital's performance in July 2016. The CEO noted that the data quality, reputation and workforce key performance indicators remain under development. Discussion on these metrics would take place at the October Board Development Day. The CEO reported by exception on the indicators, this included programme achievement.

In respect of the organisational health indicator, he provided an update on resource management. The Board discussed capability and capacity within the workforce, and the plan for recruiting noting that commercial resourcing was a shortage area.

The Director of Finance and Corporate Services reported on the financial indicators, noting the level of uncertainty with the Paperless 2020 programmes, which is inherent in a complex set of programmes that are in early stages of development. The Board received and noted the update.

3.2 (b) Paperless 2020 Update Report (paper): NHSD 16 03 03 (b) (P1)

The Chief Operating Officer (COO) presented this item. The purpose was to provide the Board with an update on the delivery progress of Paperless 2020 and the outcome of a series of deep dives held in July 2016.

He spoke about the appointment of the senior responsible owners (SRO) for the programmes and the variable programme status. He considered the focus was firmly on delivery and the delivery of successful outcomes. He noted that Keith McNeill was CCIO for the health and social care system and his appointment was a positive attribute. The COO provided an update on streamlining of the overall governance and strengthening of reporting mechanisms.

The Chair noted it was important that the Board received summaries from the Digital Delivery Board, and the establishing of the reporting lines was critical to successful delivery. There was a need to include consideration of programme risks in the assurance functions of the NHS Digital Assurance and Risk Committee.

Action: Chief Operating Officer

The Board noted that a final and agreed list of Paperless 2020 programme SROs and delivery leads would be presented at the November Board.

Action: Chief Operating Officer

The Chair summarised the discussion noting the Board's critical role in scrutinising, and holding the Executives to account for the delivery of the Paperless 2020 programmes. The Board received and noted the update.

3.3 (c) Corporate Business Plan 2016-17 (paper): NHSD 16 03 03 (c) (P1)

The Chair presented this item. The purpose was to ratify the decision taken at the 27 July Board Development Day and formally approve the refreshed NHS Digital Corporate Business Plan 2016-17. The Board ratified the Chair's Action.

4 **Strategy and Capability** NHSD 16 03 04 (P1)

4.1 (a) Clinical Governance and Safety (paper): NHSD 16 03 04 (a) (P1)

The Medical Director and Caldicott Guardian presented this item. The purpose was to provide the Board with an update on the way that the Clinical Services Executive Portfolio will ensure that NHS Digital's duty of care is assessed and improved, structures and processes are put in place to minimise risk, and clinical safety is reinvigorated as a core NHS Digital system leadership function.

He noted that a system was in place for resource prioritisation of clinicians to programmes. The Board welcomed the embedding of clinical expertise within the Paperless 2020 programmes. He stated that NHS Digital is not registered as a service provider, and this needed to be expressed explicitly to clarify NHS Digital's role.

The Board requested a paper to map the new clinical governance and safety arrangements to the Paperless 2020 programmes at the November Board.

Action: Medical Director of Caldicott Guardian

The Medical Director and Caldicott Guardian stated that he understood the NHS CCIO was supportive of the work. The Board noted and received the update, observing the work would assist in mitigating large programme risks.

5 **Governance and Assurance** NHSD 16 03 05

5.1 (a) Data Release Audit Status Report (paper): NHSD 16 03 05 (a) (P1)

The Medical Director and Caldicott Guardian presented this item. The purpose was to provide the Board with an options appraisal to support decision making in respect of our audit strategy. NHS Digital conducts audits of recipients of its confidential information to gain assurance that recipients are handling confidential information appropriately. Dr Sarah Blackburn noted that the Non-Executive Directors (Dr Sarah Blackburn and Prof. Maria Goddard) had supported the development of the proposal.

The Chair noted the importance for the Board to understand the data release audit outputs overall and asked the Executive to be more specific about who would take responsibility for this aspect and how it would be managed.

Action: Medical Director and Caldicott Guardian

The Board stated it supported the recommendation of the National Data Guardian's review in respect of potential penalties. The Board received and noted the update, noting the funding deficit stated in the paper was a technicality.

5.2 (b) Directions for Acceptance: NHSD 16 03 06 (b) (P1)

(i) Directions: Diabetes Prevention Programme (paper):

The Medical Director and Caldicott Guardian presented this item on behalf of the Director of Information and Analytics. The Board, being satisfied with the information and assurances provided, accepted the Direction.

(ii) Department of Health Directions: GP Metrics (paper):

The Medical Director and Caldicott Guardian presented this item on behalf of the Director of Information and Analytics. The Board, being satisfied with the information and assurances provided, accepted the Direction.

(iii) Department of Health Directions: Interim Out of Area Treatment (OAT) Collection Direction (paper):

The Medical Director and Caldicott Guardian presented this item on behalf of the Director of Information and Analytics. The Board, being satisfied with the information and assurances provided, accepted the Direction.

(iv) National Pandemic Flu Direction (paper):

The Chief Operating Officer presented this item. The Board, being satisfied with the information and assurances provided, accepted the Direction.

(v) NHS Improvement Mandatory Request for Patient Level Costing (paper):

The Medical Director and Caldicott Guardian presented this item on behalf of the Director of Information and Analytics. The Board, being satisfied with the assurances and information provided, formally ratified the decision taken at the 27 July 2016 Board Development Day and accepted the mandatory request.

5.3 **(c) Committee Reports:** NHSD 16 03 06 (c) (P1)

(i) Assurance and Risk Committee (ARC) Report: 31 August 2016 (oral):

The Committee Chair introduced this item. The purpose was to provide the Board with an update from the last committee meeting held on 31 August 2016. The Committee had considered two strategic deep dives, and a number of papers on risk management and assurance.

The Committee had also received an update on the review of strategic risks and the Capability Review. A number of internal audit items and reports had been presented. The Committee had considered a Counter Fraud report and an update financial reporting from the Director of Finance and Corporate Services.

The Chair commented on the Assurance and Risk Committee's substantial and critical work, and thanked on behalf of the Board both of the sub Committee's Chairs and all those involved. The Board received and noted the update.

(ii) Information Assurance and Cyber Security Committee (IACSC): 04 August 2016 (oral):

The Chief Operating Officer introduced this item in the absence of the Committee Chair. The purpose was to provide the Board with an update from the last committee meeting held on 04 August 2016.

He noted the meeting had been well attended. The Committee had considered the National Data Guardian Review Report and recommendations. He noted there continued to be resource pressures, which were affecting the redesign of the Information Governance toolkit and delivery of the Cyber Security Programme. The Committee had considered the closure of the CareCert programme and an update on the Citizen Identity solution.

The COO said that there was recognition that the Information Assurance and Cyber Security Committee terms of reference would need to evolve to reflect changes in the informatics governance landscape and across Whitehall, including the formation of the National Cyber Security Centre (NCSC). The Chair asked that the Board have sight of any proposed change to the Committee and its terms of reference prior to implementation.

Action: Chief Operating Officer

The Chair said that the work of the Committee was critically important both internally and across the health and social care system. The Board received and noted the update.

(iii) Remuneration Committee: 12 August 2016 (oral):

The Chair introduced this item. The purpose was to provide the Board with an update from the last committee meeting held on 12 August 2016. He said that the Committee had considered a performance appraisal for all the Executive Directors including the CEO, and a subsequent submission on performance banding had been submitted to the Department of Health's Remuneration Committee. The Committee had also considered a refreshed succession plan for the top 30 to 35 most senior staff in the organisation. The Committee received and noted the update.

5.4 (d) Terms of Reference for the Board and Board sub-committees (papers): NHSD 16 03 05 (d) (P1)

The Chair presented this item. The purpose was to gain Board approval for the Board and sub-committee terms of reference. The Chair summarised the contents of the Board terms of reference. The Board approved the documents, noting further updates would come back to the Board.

5.5 (e) Board Appointments (paper): NHSD 16 03 05 (e) (P1)

The Chair introduced this item. The purpose was gain approval of the proposed Board appointments. The Board approved the appointments.

5.6 (f) Board Forward Business Schedule 2016-17: NHSD 16 03 05 (f) (P1)

The Chair introduced this item. The Board noted the Board's forward business schedule.

6 **Any Other Business (subject to prior agreement with chair): NHSD 16 03 06 (P1)**

- Non-Executive Director Sir Nick Partridge provided the Board with an update on the renaming of NHS Digital, which had included new signage, launch events, a new web site and new corporate templates. Work remained ongoing with a number of initiatives underway. This included work with the social care sector. A final steering group meeting would take place. The work had remained within the modest budget. Staff and external feedback had been positive. The Board thanked Sir Nick Partridge for overseeing the work and the whole communications team for their hard work and efforts.
- The Chair apologised for the use of previous nomenclature and terminology that had appeared in some of the Board documentation.

7 **Background Papers (for information) NHSD 16 03 07 (P1)**

8.1 (a) Type 2 Objections Including Information Commissioners Office Undertaking Update (paper): NHSD 16 03 07 (a) (P1)

The Board noted this paper for information.

8.2 (b) Forthcoming Statistical Publications (Paper): NHSD 16 03 07 (b) (P1)

The Board noted this paper for information.

8.3 (c) Programme Definitions (paper): NHSD 16 03 07 (c) (P1)

The Board noted this paper for information.

8 **Date of Next Meeting**

8.1 The next statutory Board meeting will take place on Wednesday 30 November 2016.

The Board resolved that pursuant to the Public Bodies (Admission to Meetings) Act 1960 that representatives of the press and other members of the public be excluded from the remainder of this 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) Public Bodies (Admission to Meetings) Act 1960).

Table of Actions:

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The Chair noted it was important that the Board received summaries from the Digital Delivery Board, and the establishing of the reporting lines was critical to successful delivery. There was a need to include consideration of programme risks in the assurance functions of the NHS Digital Assurance and Risk Committee.	Chief Operating Officer
The Board noted that a final and agreed list of Paperless 2020 programme SROs and delivery leads would be presented at the November Board.	Chief Operating Officer
The Board requested a paper to map the new clinical governance and safety arrangements to the Paperless 2020 programmes at the November Board.	Medical Director of Caldicott Guardian
The Chair noted the importance for the Board to understand the data release audit outputs overall and asked the Executive to be more specific about who would take responsibility for this aspect and how it would be managed.	Medical Director of Caldicott Guardian
The COO said that there was recognition that the Information Assurance and Cyber Security Committee terms of reference would need to evolve to reflect changes in the informatics governance landscape and across Whitehall, including the formation of the National Cyber Security Centre (NCSC). The Chair asked that the Board have sight of any proposed change to the Committee and its terms of reference prior to implementation.	Chief Operating Officer

Agreed as an accurate record of the meeting	
Date:	
Signature:	
Name:	
Title:	NHS Digital Chair