

**Report of Director of Adults and Health
Report to Corporate Governance and Audit Committee**

Date: 25th June 2019

Subject: Role of the Caldicott Guardian

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. The Council is required to have a Caldicott Guardian in place whose role is to ensure that the highest standards are maintained when handling confidential patient identifiable data.
2. The Council's Caldicott Guardian is the Director of Adults and Health with sub-delegations to senior colleagues within the Adults and Health Directorate and the Children and Families Directorate ('the Caldicott function').
3. The Caldicott function is robustly supported by the Council's Information Management and Governance Service.

Recommendations

Corporate Governance and Audit Committee is asked to consider the contents of this report and the assurances provided as to how the role of the Caldicott Guardian is implemented and appropriately supported within the Council.

Corporate Governance and Audit Committee is asked to accept this report as an addendum to the annual Information Governance report.

1. Purpose of this report

- 1.1 To provide the Corporate Governance and Audit Committee with information on the role of the Caldicott Guardian and the organisational measures and assurances in place to support this role.

2. Background information

- 2.1 The role of the Caldicott Guardian emanates from the first review of the handling of patient identifiable information led by Dame Fiona Caldicott in 1996-97. The subsequent report recommended 6 principles to be followed when handling confidential data (the Caldicott principles) and recommended the appointment in each NHS Trust and special health authority of a 'Guardian' of patient identifiable information whose role was to oversee the arrangements for the use and sharing of such information.
- 2.2 In 2002, Caldicott Guardians were introduced into social care by the Local Authority Circular 2002/2.
- 2.3 A second review, led by Dame Fiona Caldicott in 2013, introduced a 7th Caldicott principle centred on the duty to share information being as important as the duty to protect patient confidentiality.
- 2.4 The third review in 2016, in which Dame Fiona Caldicott, as the National Data Guardian, worked alongside the Care Quality Commission, focussed on new data security standards to be applied across all health and social care organisations and a new consent / opt out model for information sharing. The review also highlighted the need for strong leadership in data security and highlighted the positive impact that appropriately supported Caldicott Guardians have had within organisations.
- 2.5 NHS and Social Care Caldicott Guardians are required to be registered on the publicly available National Register of Caldicott Guardians.
- 2.6 The manual for Caldicott Guardians, produced by the Caldicott Guardian Council (2017), recommends that the Caldicott Guardian works as part of a broader Information Governance function with appropriate support.

3. Main issues

- 3.1 The Caldicott Guardian assumes overall responsibility for ensuring the confidentiality of patient identifiable information and that the highest standards are maintained when handling such information.
- 3.2 The Council's Caldicott Guardian is the Director of Adults and Health. Due to the size of the Council and the complexities brought about by such a large organisation, this role has been sub-delegated to senior officers within the Adults and Health and Children and Families Directorates as follows:
 - 3.2.1 For matters relating to Adult Social Services - Deputy Director, Social Work and Social Care Services.
 - 3.2.2 For matters relating to Public Health – Director of Public Health.
 - 3.2.3 For matters relating to Children's Services – Director of Children's Services which has been sub-delegated to the Chief Officer, Partnerships and Health.

3.3 The Caldicott function is fully supported by the Council's Information Management and Governance ('IM&G') Service particularly by those officers within the Adult's, Children's and Health IM&G Hub. This support includes but is not limited to:

- 3.3.1 providing the Caldicott function with regular reports and briefings on high risk data protection and confidentiality matters. Such briefings cover information requests, such as freedom of information and data protection requests, and overall performance of requests; projects with IG implications; security incidents; and consideration of trends discerned. An example of the reporting arrangements is that the reports submitted to the Deputy Director, Social Work and Social Care Services, are scrutinised and discussed with the IM&G Service before being presented to the Caldicott Guardian's leadership team by way of assurance.
- 3.3.2 ensuring that there are stringent corporate and local Information Governance policies and procedures in place.
- 3.3.3 ensuring that all staff handling personal data, and special category data, are suitably trained.
- 3.3.4 ensuring that appropriate, proportionate, and accountable information sharing takes place and that barriers to sharing are addressed via advice, guidance or policy.
- 3.3.5 ensuring that information governance risks are properly addressed through data protection impact assessments and that the appropriate supporting documents are in place, such as, information sharing agreements and contracts setting out data processing arrangements.
- 3.3.6 ensuring that the Council's procedure for managing security incidents, including personal data breaches, is followed and that 'lessons learned' exercises are undertaken and remedial actions implemented, such as, revisions to practices and procedures, and reminder communications to all staff within the Directorates affected.

3.4 The Council fulfils the governance arrangements for the role of the Caldicott Guardian in the following ways:

- 3.4.1 support from the IM&G Service as set out above;
- 3.4.2 the Director of Adults and Health is registered on the National Register of Caldicott Guardians;
- 3.4.3 details of the Caldicott Guardian, including training undertaken, together with details of the Council's Senior Information Risk Owner and the Council's Data Protection Officer are submitted as part of the Council's annual Information Governance toolkit submission to NHS Digital. This toolkit, now called the Data Security and Protection Toolkit, is an online self-assessment tool that allows organisations to measure their performance against the National Data Guardian's 10 data security standards. It is a requirement for the Council to complete the toolkit and have the required assurances that information governance and confidentiality is adequately addressed within the organisation. In relation to this year's submission, the Council completed all the mandatory requirements by providing the requisite 100 pieces of evidence. Prior to the launch of the Data Security and Protection toolkit, when the toolkit was the Information Governance toolkit, the Council achieved a satisfactory rating in all of its submissions with satisfactory being the highest grade which could be attained.

3.5 The Council's Caldicott function maintains a strong working relationship with the Council's Senior Information Risk Owner ('SIRO') as the roles are regarded as complimentary to each other by the National Guardian Council. As such, both the

Caldicott function and the SIRO are continually kept abreast of high risk data protection / confidentiality matters and provide strong leadership and strategic guidance as appropriate.

4. Corporate considerations

4.1 Consultation and engagement

4.1.1 Consultation on the development of strategies, policies, procedures and standards are extensively undertaken across a broad range of stakeholders including information management professionals, representatives from all Directorates via representatives of Information Management and Technology teams and Information Management Board members. In addition Members, trade unions, members of the public and relevant stakeholders are consulted where required.

4.2 Equality and diversity / cohesion and integration

4.2.1 There are no issues in relation to equality and diversity or cohesion and integration.

4.3 Council policies and best council plan

4.3.1 All IM&G programmes of work are working towards ensuring the Council meet statutory and regulatory requirements.

4.3.2 All Information Management and Governance related policies are currently being reviewed and a dedicated Policy Review Group has been established. As part of this review the group will be consulting with internal stakeholders, trade unions and external peer checking.

4.4 Resources and value for money

4.4.1 There are no issues in relation to resources and value for money.

4.5 Legal implications, access to information, and call-in

4.5.1 Delegated authority sits with the Director of Adults and Health and has been sub-delegated to i) the Deputy Director, Social Work and Social Services, ii) the Director of Public Health and, iii) to the Director of Children's Services with a further sub-delegation to the Chief Officer, Partnerships and Health. These delegations can be found in the Director of Adults and Health sub-delegation scheme under the heading 'Local Authority Circular 2002(2) Implementing the Caldicott Standard into Social Care'.

4.5.2 There are no restrictions on access to information contained in this report.

4.6 Risk management

4.6.1 Non-compliance with the Caldicott function could leave the Council vulnerable to the following risks:

4.6.1.1 compromises to the security of confidential patient identifiable data.

- 4.6.1.2 damage to the Council's reputation and the trust which individuals place in the Council to safeguard their data.
- 4.6.1.3 infringements of data protection legislation / law on confidentiality and subsequent complaints / claims from individuals affected.
- 4.6.1.4 non-compliance with the Data Security and Protection toolkit which would restrict the sharing of patient data with the NHS.
- 4.6.1.5 enforcement action from the Information Commissioner's Office.
- 4.6.2 A report on Information Governance is taken annually to Corporate Governance and Audit Committee. This report provides assurances as to the work undertaken by the four professional strands which comprise the IM&G Service (cyber assurance and compliance; information access and compliance; records management; and change and initiatives).

5. Conclusions

- 5.1 The Council's Caldicott Guardian is an established role which is appropriately implemented through the Caldicott function of 3 senior leaders and robustly supported by the IM&G Service.
- 5.2 This report is an addendum to the annual Information Governance report which was presented to the Corporate Governance and Audit Committee in March of this year.

6. Recommendations

- 6.1 Corporate Governance and Audit Committee is asked to consider the contents of this report and the assurances provided as to how the role of the Caldicott Guardian is implemented and appropriately supported within the Council.
- 6.2 Corporate Governance and Audit Committee is asked to accept this report as an addendum to the annual Information Governance report.

7. Background documents¹

- 7.1 None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.