

**Health and Social Care Information Centre (ENDPB)
Minutes of Board Meeting – Wednesday 18 September 2013**

Public Session

Present:	Chair	Kingsley Manning
	Non-Executive Directors:	Tony Allen (Deputy Chair) Lucinda Bolton Sir Nick Partridge Mike Pearson
	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 Information Assurance	Clare Sanderson
	Director of Operations and Technical Services	Rob Shaw
	Board Secretary	Annabelle McGuire
	Observers:	
	DH Sponsor Team	Donna Sidonio
	DH Sponsor Team	Phillip Harriman
	Executive Advisor	Richard Wild
	HSCIC Head of Media and Public Affairs	Eileen Phillips

1. **Chair's Introduction and Apologies (HSCIC 13 08 01)**

1.1 The Chair convened a meeting of the HSCIC (ENDPB) Board.

Apologies were received from Sir Ian Andrews.

1.2 The Chair introduced Annabelle McGuire, the newly appointed Board Secretary, to Board members.

2. **Declarations of Interest and Minutes (HSCIC 13 08 02)**

2.1 (a) Register of Interests: Lucinda Bolton informed the Board that she was in the process of updating her formal Declaration of Interests. Sir Nick Partridge declared an interest as interim Chair of the Clinical Priorities Advisory Group (CPAG) for NHS England. Dr Mark Davies declared that he was no longer the health advisor to the Cabinet Office. There were no other declarations of interest not already recorded in the current Board register of interests.

2.2 (b) Minutes of Board meetings on 12 June, 19 June and 29 August:

- The Board ratified the minutes of the meeting on 12 June as correct.
- The Board ratified the minutes of the meeting on 19 June as correct, with an amendment to the wording in 3.1 (b) NHS Workforce.
- The Board ratified the minutes of the meeting on 29 August as correct.

Action: Board Secretary

Matters Arising: It was noted that the Board agenda incorporated all matters arising.

2.3 (c) Progress on action points: The Board noted the progress on action points arising from the previous meetings.

3. **Sub-Committee Reports (HSCIC 13 08 03)**

3.1 (a) Assurance and Risk Committee: The Chair of the Assurance and Risk Committee gave a verbal update from the meeting held on 11 September 2013. Process items discussed included organisational risk management and the corporate the risk register, an invite to all executive management team directors to attend the committee, and a request for a paper to be prepared on Data Services for Commissioners for the November meeting. Strategic items discussed included the review of Information Assurance including cyber security, the Guide to Confidentiality in Health and Social Care and the wider implications for the HSCIC, the GPES¹ extract and the use of the HM Land Registry Data Centres.

3.2 (b) Remuneration Committee: The Chair informed the Board that the post of HSCIC CEO was to be advertised in the Sunday Times on 22 September 2013. A recruitment schedule had not yet been finalised, however the aim was to have appointed a successful candidate by the end of 2013.

4 **Business/Performance Reporting (HSCIC 13 08 04)**

4.1 (a) CEO Report on Business Activity: The Board noted the Paper HSCIC 13 08 04 (a) that provided an update on a range of key issues and developments. The CEO highlighted additional items of relevance since the report had been circulated, in particular:

- Publication of the Guide to Confidentiality in Health and Social Care: The guide, published on 12 September under Section 265 of the Health and Social Care Act 2012, was the first system wide output from the HSCIC and had received a very positive reception. A more technical Code of Practice for processing confidential information for which the HSCIC is statutorily responsible would be published in the future.
- Secretary of State - Technology Meetings: The CEO informed the Board that the HSCIC

¹ GP Extraction Service

had been invited to attend the Secretary of State's technology meetings held every two weeks. The main objective of these meetings was to track the progress of key milestones and metrics delivered by the Department of Health, NHS England and the HSCIC against the Secretary of States priorities with respect to technologies. The CEO recommended that consideration be given to including these as part of the HSCICs key metrics within the Board pack to ensure appropriate on-going management.

Action: Director for Finance and Corporate Services

- Public Accounts Committee report - The dismantled National Programme for IT in the NHS: The CEO drew attention to the Committee's report, which was published on 18 September 2013. A key point arising from the recommendations was that the HSCIC would likely be required to support SRO²s in on-going benefit achievement activities. The Director of LSP³ Delivery observed that the HSCIC was not responsible for its predecessor organisations activities, however the HSCIC is acting as an agent to exit contracts and that a number of actions were in progress to support the legacy business in this respect. The Chair said that the end of the LSP contracts is 2015-16 and that there was the potential for resource issues and overall risk to the wider system. The Chair asked for a paper to be brought to the December Board meeting setting out a strategic view of the position beyond 2015-16, the plans in place for exit and an update on progress.

Action: Director of LSP Delivery

The Director for Information and Data Services provide an update on the following items:

- Data Linkage and Extract Service: The Director for Information and Data Services advised the Board that a number of services had now been made available via the Data Linkage and Extract Service, which was a positive step in the right direction.
- GPES Extract risks: The Director for Information and Data Services informed the Board that work is in progress to mitigate risks. This includes an independent review of the HSCICs Data Centre hosting and storage strategies and increased rigour around testing and assurance. The readiness to undertake the extract in three weeks was a concern, which is when QOF⁴ data would be extracted using the GPES mechanisms. The basic processes have now been tested, and the extract would be undertaken with GPES IAG⁵ approval. The first extract for care.data would be for a four-month period for a pilot set of 82 GP practices. Tony Allen raised an issue of the ordering of events and asked whether the pilot would allow an assessment of communications with patients. The Director for Information and Data Services said that further work was still being undertaken regarding how the pilot would be constituted; he also noted that the 82 GP practices were not clustered in one geographical area. The Director for Information and Data Services stated that further clarity is also required regarding the interrelating business cases, and that a funding proposal is being worked through. The Chair stated that it should be noted that the Board had concerns regarding the extract, and that this has been understood and taken into account in the on-going work.
- Care.data communications and risks: The Director of Information Assurance informed the Board that it was the duty of GPs to inform patients of the care.data extract and that NHS England were working with the ICO⁶ on this with the HSCIC also being involved. Patient information leaflets have gone to GP practices. The ICO, however, do not believe that this is sufficient and a full mail drop to all citizens remains a possibility. The Chair noted that there is no fixed timetable for this yet.

Tony Allen commented about the potential for subject access requests to increase because of the communications plan for the programme. The Director of Information Assurance acknowledged that even a small percentage response to the mail drop would mean a large number of additional such requests.

² Senior Responsible Owner

³ Local Service Provider

⁴ Quality and Outcomes Framework

⁵ Information Advisory Group

⁶ Information Commissioners Office

- **Data Controllership:** The Director of Information Assurance informed the Board that the issue of sole data controllership was not yet resolved. A proposal put to the ICO was that there would be joint data controllership with NHS England during the development phase of the directions with the HSCIC being sole data controller once the extract was in production. In answer to a question from the Chair, the Director of Information Assurance confirmed that final advice against sole data controllership had not been received from the ICO.

The Chair requested that a Care.Data programme update and assessment of risk was brought back to a subsequent Board meeting.

Action: Director for Information and Data Services

- **Data Services for Commissioners:** The Director for Information and Data Services advised the Board that progress was now being made in monitoring adherence to information governance standards in the Regional Offices, with collaborative strategic work on-going with partner organisations to steer the work in the right direction. The Chair asked about the Accredited Safe Haven (ASH) policy. The Director of Information Assurance responded that the Confidentiality Advisory Group (CAG) had advised and that there were on-going discussions regarding the definition of an ASH. The Chair observed that, as ASHs would be in a form of contractual relationship with the HSCIC in future, the Board should consider how best this would be managed. A paper was requested for the next Board meeting which should include what forms of contractual relationships the HSCIC will enter into, and whether this would include being in the manner of a regulator to other bodies.

Action: Director of Information Assurance

The following points were highlighted from the CEOs report on business activity:

- 4.2
- The Chair expressed his high regard for the work of the Summary Care Record Service (SCR), noting the impressive numbers to support this.
 - The Director for LSP Delivery highlighted the Busting Bureaucracy Campaign, noting that 19 trusts had so far volunteered for the audit, and there would be a final report produced that was to be presented at a conference later in the year. The Board observed that the outcome of this work potentially had a number of significant implications for the HSCIC, which were in respect to being the single central organisation responsible for data collections.
 - The Chair noted the update regarding the NHS Safety Thermometer, and emphasised how the data had been used to achieve positive patient outcomes. The question arose as to if this had been promoted, the Director for Information and Data Services said he would determine this.

Action: Director for Information and Data Services

- 4.3 **(b) Framework Agreement with the Department of Health:** The CEO provided a verbal status update to the Board on the progress of the Framework agreement with the Department of Health. Although a further revised draft and commentary had been provided to the Department for review, there was no date for issuing the final document. The Department's Sponsor Unit informed the Board that it had become unavoidably delayed due to the development of a HM Treasury template designed to provide commonality across all ALB⁷ framework agreements. The draft was presently with HM Treasury and the Cabinet Office for review and early indications were that HM Treasury would be seeking more information on accountability and how the HSCIC relates to other ALBs across the system. The Board noted the status update and accepted the confirmation that there were no practical implications caused by the delay as a framework agreement is in existence.
- 4.4 **(c)i Board Performance Pack as at August:** The Board noted the Paper HSCIC 13 08 04 (ci) that provided information on performance data and management information from August 2013. The Director of Finance and Corporate Services referred to the tabled paper informing

⁷ Arm's Length Body

the Board that this was not the new performance pack as initially expected nevertheless through an iterative process this was being developed. The pack contained information from the Finance and Corporate Services and the HR and Transformation Directorate. The Director of HR and Transformation referred to the HR and transformation content of the Board Performance Pack noting that turnover had gone up since the previous period but that investigation had revealed specific explanations relating to the TUPE Choices insourcing and anticipated LSP downsizing. The Board acknowledged the further work being developed to improve understanding regarding turnover and talent.

The following issues were discussed:

- Attracting sufficient numbers of staff into professional fields that are known to be areas of shortage, for example, IT. It was confirmed that this is being addressed with the option of using AfC⁸ flexibilities being considered;
- The importance of the HSCIC location strategy, which is being considered;
- Commissioning Support Units secondments, it was noted that this is an area of concern which has been addressed with NHS England;
- The evaluating of the HSCIC Staff Survey results against other similar organisations through the responses, it was confirmed that NHS standard questions were used to enable comparisons.
- Positive changes in the form of the Leadership Forum and Championing Change forum were noted and supported by the Board.

(c)ii Finance Report as at July 2013: The Board noted the Paper HSCIC 13 08 04 (cii) that provided information on the 2013/14 financial position for the HSCIC as at July 2013. The Director of Finance and Corporate Services referred to the tabled paper and highlighted the under-spend which was mainly due to the high number of vacancies the organisation is currently carrying. Lucinda Bolton asked if the underspend and resource issue could be managed via use of short-term resource. In response to this it was noted that whilst recognising this required the correct balance, it was felt inadvisable to return to high contractor level reliance that had been experienced in the former organisations. There was subsequent Board discussion regarding forecasted income and the achievement of efficiencies. The Director of Finance and Corporate Services confirmed that the aim was to achieve improved control of expected income.

5. **Strategic/Policy Items (HSCIC 13 08 05)**

- 5.1 (a) Progress report on Forms of Business for HSCIC: The Board noted the Paper HSCIC 13 08 05 (a) that provided an update on progress towards establishing forms of business with the HSCICs commissioners that are both effective and robust. The Director of Finance and Corporate Services referred to the tabled paper and noted that to date a subjective deep dive had not been undertaken but there was known variability across the organisation which was being addressed. A discussion was held regarding the template that was being developed for this purpose, the Director of Finance and Corporate Services confirmed that it was already being used and was proving to be beneficial. The Board confirmed the intention to develop and have a SLA/MoU in place with other central organisations noting that this formed part of the HSCIC strategy work.
- 5.2 (b) Schema of Delegation of Authorities: The Board noted the Paper HSCIC 13 08 05 (b) that was tabled to seek Board approval to make two amendments to the Delegated Authorities policy of the organisation. The Director of Finance and Corporate Services referred to the tabled paper and noted that it had been on the agenda of the previous Board meeting but on implementation of the new delegated authority levels it became clear further refinements were necessary. These had been addressed in the revised version tabled in the paper and had been brought back to the Board for ratification. Following discussion on the aims of the proposed changes the Board approved the revised Schema of Delegation of Authorities.

6. **Governance Issues (HSCIC 13 08 06)**

- 6.1 Board forward business schedule for 2013-14: The Board noted the Paper HSCIC 13 08 06 that was an updated draft of the forward business schedule for 2013-14. The Chair referred to the tabled paper, and recommended that he, the CEO and the Board Secretary meet outside

⁸ Agenda for Change

the Board meeting to establish the forward business schedule.

Action: Chair, CEO and the Board Secretary

The CEO observed that the Board and sub-committee meeting dates would require revisiting for 2013-14 and setting for 2014-15, in order that as full a set of performance and financial information was presented to the Board as possible.

Action: The Director of Finance and Corporate Services and the Board Secretary

Tony Allen asked if the Board meetings would continue to be held monthly, the Chair confirmed that the Board meetings would be held monthly, particularly throughout the current year whilst transition and transformations activities were on-going, however the frequency of meetings would be reviewed in 2014.

7. Any other Business (HSCIC 13 08 07)

- 7.1 It was observed by the Board that the HSCICs website requires improvement. It was confirmed that this is included in the Transformation Programme activities and will therefore be addressed in due course.

8. Background Paper (HSCIC 13 08 08)

- 8.1 Staff Survey Results: The Board noted the background paper HSCIC 13 08 08 a, which provided a summary of the outputs of the first HSCIC staff survey.
- 8.2 Forthcoming statistical publications: The Board noted the background paper HSCIC 13 08 08 b, which provided a summary of the HSCIC Official and National Statistics in September and October 2013, including media coverage for press-released Official and National Statistics, and web access and downloads for July 2013.

9 Board Resolution on Private Session

- 9.1 The HSCIC Board passed a resolution that pursuant to the Public Bodies (Admissions to Meetings) Act 1960 representatives of the press and other members of the public be excluded 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).
- 9.2 The date of the next meeting was arranged to be 23 October 2013.

Table of Actions:

Action	Action Owner
The Board ratified the minutes of the meeting on 19 June as correct, with an amendment to the wording in 3.1 (b) NHS Workforce Statistics to reflect that there is one pay review body.	Board Secretary
The main objective of these meetings was to track the progress of key milestones and metrics delivered by the Department of Health, NHS England and the HSCIC against the Secretary of States priorities with respect to technologies. The CEO recommended that consideration be given to including these as part of the HSCICs key metrics within the Board pack to ensure appropriate on-going management.	Director of Finance and Corporate Services
The Chair said that the end of the LSP contracts is 2015-16 and that there was the potential for resource issues and overall risk to the wider system. The Chair asked for a paper to be brought to the December Board meeting setting out a strategic view of the position beyond 2015-16, the plans in place for exit and an update on progress.	Director of LSP Delivery
Care.data - The Chair requested that a Care.Data programme update and assessment of risk was brought back to a subsequent Board meeting.	Director for Information and Data Services
The Chair observed that, as ASHs would be in a form of contractual relationship with the HSCIC in future, the Board should consider how best this would be managed. A paper was requested for the next Board meeting which should include what forms of contractual relationships the HSCIC will enter into, and whether this would include being in the manner of a regulator to other bodies.	Director of Information Assurance
The Chair noted the section in the CEO update regarding the NHS Safety Thermometer, and emphasised how the data had been used to achieve positive patient outcomes. The question arose as to if this had been promoted, the Director for Information and Data Services said he would determine this.	Director for Information and Data Services
The Chair referred to the tabled paper, and recommended that he, the CEO and the Board Secretary meet outside the Board meeting to establish the forward business schedule.	Chair, CEO and the Board Secretary
The CEO observed that the Board and sub-committee meeting dates would require revisiting for 2013-14, in order that as full a set of performance and financial information was presented to the Board as possible, and setting for 2014-15.	The Director of Finance and Corporate Services and the Board Secretary