

**Health and Social Care Information Centre (ENDPB)
Minutes of Board Meeting – Wednesday 04 December 2013**

Public Session

Present:

Chair Kingsley Manning

Non-Executive Directors: Tony Allen
Sir Ian Andrews
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 Data and Information 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
Secretary to the Board Annabelle McGuire

Observers:

DH Sponsor Team Vicky Cave
DH Sponsor Team Peter Hall
Executive Advisor Richard Wild
HSCIC Steve Bruggenwirth
HSCIC Dianne Bullman
DH/HSCIC Zoe Findlay
HSCIC Chris Hewitt
HSCIC Eileen Phillips
HSCIC Eve Roodhouse
HSCIC Ian Spiers

1 **Chair's Introduction and Apologies** (HSCIC 13 11 01)

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

1.2 There were no apologies received.

2 **Declarations of Interest and Minutes** (HSCIC 13 11 02)

2.1 (a) Register of Interests: There were no declarations of interest made, the Board Register of Interests being confirmed as correct. It was noted Lucinda Bolton had taken no part in the 19 November HSCIC Remuneration Committee due to a conflict in respect to her membership of the Review Body on Doctors' and Dentists' Remuneration.

2.2 (b) Minutes of Board meetings on 23 October: The Board ratified the minutes of the meeting on 23 October as correct, with an amendment to be made to reflect further work would be undertaken on the presentation of the financial information in the Board Performance Pack.

Action: Secretary to the Board

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: There were no matters arising.

3 **Committee Reports** (HSCIC 13 11 03)

3.1 (a) Assurance and Risk Committee: The Chair of the Assurance and Risk Committee gave a verbal update following the meeting on 13 November. He highlighted the following items:

- The development of the Corporate Risk Register. During discussion, the Chair of the Board requested the Corporate Risk Register be tabled at the February Board. This would include the process and principles as well as corporate risks. The Board requested the paper covered the organisations risk appetite and consideration be given to systemic risks, those which crossed the boundaries of the organisation.

Action: Director of Finance and Corporate Services

- Progress against risk in respect to Data Services for Commissioners. During discussion the Board had some concerns regarding the current situation and the future of the service, a paper was requested for the January Board to encompass developments.

Action: Director of Data and Information Services

- The Director of LSP Delivery had attended to talk about risk management in the LSP Directorate.
- The NAO¹ presented the external audit plan update for 2014/15.
- The decision in respect to the Head of Internal Audit had been taken at a short Assurance and Risk Committee meeting held earlier on 04/12/2013.
- The next Assurance and Risk Committee would be held on 12/03/2014, after which new Non-Executive directors would be appointed.

3.2 (b) Remuneration Committee: The Chair of the Remuneration Committee gave a verbal update following the meeting on 19 November. He highlighted the following items:

- The response to the Secretary of State's senior salaries review, it was observed a

¹ National Audit Office

reply had not yet been received to the HSCIC's submission.

- The HSCIC top-level structure, it was noted the appointments process would not proceed until all necessary aspects had received approval from the Department of Health's Remuneration Committee. The Board requested the structure and outline appointments process be tabled at the January Board.

Action: Director of HR and Transformation

- Recruitment to the non-Executive Director posts was in progress. It was expected an announcement would be made at the end of January regarding successful appointments.
- The interviews for the HSCIC CEO were to be held in week commencing 09/12/2013. As this was a Secretary of State appointment, the timing of any announcement was uncertain.

4 **Business/Performance Reporting (HSCIC 13 11 04)**

- 4.1 (a) Board Performance Pack: The CEO referred to paper HSCIC 13 11 04 (a) the purpose of which was to present the Board with progress on measuring, managing and reporting performance, and to provide the Board with a summary of actual performance in September along with other management information.

The following points of interest were highlighted:

- The publication of the HSCIC Focus on Accident and Emergency publication was an exemplar piece of work. It had been sensibly reported and reflected well on the organisation.
- The Board were asked to note the performance pack remained a work in progress, with a large amount of material included. An Executive Management Team meeting was dedicated to work through a more detailed KPI² report each month.
- The Directorate level performance packs being established, and had started to be used in CEO discussions with the directors.

The following KPIs were brought to the Board's attention:

- Delivery on major projects.
- The vacancy position remained challenging, however actions were being taken which were improving the situation.
- Financial impact and forecasting.

Overall the Board were happy with the contents and presentation of the pack and acknowledge the significant progress made to date in respect to reporting the necessary information.

Director reporting by exception:

- The Director of Programme Delivery agreed to bring a paper to the January or February Board to provide a status update on the N3 replacement project.

Action: Director of Programme Delivery

- The Director of Operations and Technical Services provided an update on service performance. He agreed to inform the Non-Executive Directors when there was an episode of significant service downtime.

Action: Director of Operations and Technical Services

- The Director of Clinical and Public Assurance informed the Board that there was a large amount of work on-going in respect to patient and public involvement.

² Key Performance Indicator

- The Director of HR and Transformation updated the Board in respect to the reconstruction of the measure for the organisational health KPI. The Chair requested an update at the January or February Board regarding the long-term view of managing the organisations workforce.

Action: Director of HR and Transformation

- The Director of Finance and Corporate Services updated the Board on the financial material. The current underspend was caused predominantly by the number of vacancies, and reflected inherited issues from former organisations. The profile of financial management was being raised across the organisation. The Chair requested a proposal for improving financial reporting performance and systems be tabled at the March Board.

Action: Director of Finance and Corporate Services

- The Director of Information Assurance informed the Board the feasibility of rolling out the incident reporting process across the organisation was being considered.

- 4.2 (b) Transformation Programme Plan: The Director of HR and Transformation presented item HSCIC 13 11 04 (b) the objective was to set out the approach and scope of the Transformation Programme for consideration by the Board. She informed the Board of close working with the Leadership Forum and Championing Change Forum to build the organisational capacity to manage change and improve organisational health. There was a need to maintain the momentum and focus on communications. The Board noted the work in respect to the Professional Groups. The Chair commented on the excellent work of the Championing Change Forum and thanked the two members present for attending the Board. The issue of HSCIC statistical publications was discussed, the Board requested a publications timetable and strategy be tabled at the February or March Board.

Action: The Director of Data and Information Services

The Board requested a quarterly review of the Transformation Programme Plan, the next one at the April Board.

Action: Director of HR and Transformation

- 4.3 (c) Annual review of Information Governance activity: The Director of Information Assurance referred to paper HSCIC 13 11 04 (c) the aim was to provide an update relating to the strategically important information governance activities. The Board was asked to note progress made to date and to comment on proposed future activities. It was observed that the numbers of Subject Access Requests and Freedom of Information requests had more than doubled and were becoming increasingly complex.

The Board were informed there had been a response from the Information Commissioners Office (ICO) with respect to data controllership, which specified a joint data controllership arrangement. Legal advice had been sought which had identified potential anomalies. The Board noted the HSCIC was data controller. The HSCIC would write to the ICO to request clarification, and get further advice from the HSCIC lawyers, this would include proposals for an MOU between NHS England and the HSCIC, which would set out the relative responsibilities under this arrangement. An update would be provided at the January Board.

Action: Director of Information Assurance

The Chair took an action to write to Mark Davies, Department of Health Sponsor Unit, regarding the HSCICs role in supporting the health and social care system from an information governance perspective.

Action: Chair

- 4.4 (d) Care.data Programme update: The Director of Data and Information Services introduced the Programme Director for care.data who presented item HSCIC 13 11 04 (d). The purpose was to provide the Board with an update on the status of the care.data programme for information and comment. She informed the Board that effort was being extended to

define the appropriate scope and appropriate funding for the programme, and that the Business Case was in development. Detailed planning is well underway for the planned extraction of GP data in spring 2014. To support GPs in their fair processing activities in relation to this, a national leaflet drop was planned for January to all households in England, with a telephone helpline. This is in addition to activity, which has been underway since the summer to raise awareness with the public. The main purpose of the work was to develop a joined up picture of care. The data would be used for purposes other than direct patient care i.e. for secondary uses. The Board noted that there would be a programme update at every Board meeting.

Action: Director of Data and Information Services

The Chair noted the Board had some concerns in respect to the governance arrangements for the programme. The Chair took an action to write to the Department of Health Sponsor, he would copy this letter to Malcolm Grant, the Chair of NHS England's Board.

Action: Chair

- 4.5 (e) Accredited Safe Haven Arrangements: The Director of Information Assurance referred to paper HSCIC 13 11 04 (e). She noted the responsibility for the definition of Accredited Safe Havens (ASHs) rests with the IG subgroup of the Informatics Services Commissioning Group (ISCG). As the HSCIC would be required to share data with ASHs once they had been defined and established it was in the organisation's interests that there are controls in place, which were fit for the purpose. This paper was intended to inform the debate and allow the Board to comment on progress made. The Board were requested to approve the paper to be shared with the IG subgroup of the ISCG. It was noted that Dame Fiona Caldicott intended for there to be a small number of ASH organisations, and that interim arrangements had been put in place to ensure support for on-going commissioning activities and maintenance of business. The Board requested that there was a revision of the paper produced which included the overall purpose of an ASH, implications for the HSCIC, alternative suggestions for management, risks associated with passing on patient identifiable information and the impact of being an accreditor or regularity body for ASHs. The Board authorised the Chair and the CEO to approve the paper.

Action: Director of Information Assurance

The Chair noted the incumbent Director of Information Assurance was leaving the organisation at the end of December. The Board thanked her for leading on information assurance during a time of considerable complexity and challenge, and wished her well for the future.

5 **Strategic/Policy Items** (HSCIC 13 11 05)

- 5.1 (a) HSCIC Strategy: The Director for Clinical and Public Assurance referred to paper HSCIC 13 11 05 (a) the purpose was to provide an update on the feedback received in response to the HSCIC strategy document, and agree next steps. The strategy document sets out the HSCIC priorities, and informs the next planning and prioritisation phase. There had been a large number of comments received which reflected strong support for partnership working and improving access to data. It was noted there had been no written response from NHS England, however informally there was support. The strategy would be updated to reflect the comments and feedback received. The Board authorised the Chair and the CEO to approve the revised Strategy.

Action: Director for Clinical and Public Assurance

- 5.2 (b) Workforce response to the HSCIC Strategy: The Director of HR and Transformation presented item HSCIC 13 11 05 (b). The objective was to set out the workforce response to the HSCIC Strategy for the Board. The Board were requested to confirm the approaches to developing the HSCIC workforce as set out in the paper were appropriate to enable the HSCIC to respond to the challenges and commitments set out in the HSCIC Strategy. The Board requested the workforce response be consolidated into an encompassing paper for the February Board.

Action: Director of HR and Transformation

6 **Governance Issues** (HSCIC 13 11 06)

- 6.1 (a) Framework Agreement / Corporate Governance Manual / Board Terms of Reference: The Chair informed the Board this item was to be deferred to January's Board meeting as additional updates were required.
- 6.2 (b) Board Forward Business Schedule for 2013-14: The Board noted the forward business schedule.

7 **Any other Business** (HSCIC 13 11 07)

- 7.1 The Director of Finance and Corporate Services informed the Board that business planning guidance had been issued to all directorates. The HSCIC draft business plan would be submitted to the Department of Health Sponsor Unit on or before 06/01/2014.

8 **Background Papers** (HSCIC 13 11 08)

- 8.1 (a) Forthcoming statistical publications: The Board noted the background paper HSCIC 13 11 08 (a) which provided an overview of HSCIC Statistical Publications provided for information. The Board also noted the improved presentation of the paper.

9 **Board Resolution on Private Session**

- 9.1 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 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 15 January 2014.

Table of Actions:

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The Board ratified the minutes of the meeting on 23 October as correct, with an amendment to be made to reflect further work would be undertaken on the presentation of the financial information in the Board Performance Pack.	Secretary to the Board
The development of the Corporate Risk Register - during discussion, the Chair of the Board requested the Corporate Risk Register be tabled at the February Board. This would include the process and principles as well as corporate risks. The Board requested the paper covered the organisations risk appetite and consideration be given to systemic risks, those which crossed the boundaries of the organisation.	Director of Finance and Corporate Services
Progress against risk in respect to Data Services for Commissioners - during discussion the Board had some concerns regarding the current situation and the future of the service, a paper was requested for the January Board to encompass developments.	Director of Data and Information Services
The HSCIC top-level structure - the Board requested the structure and outline appointments process be tabled at the January Board.	Director of HR and Transformation
The Director of Programme Delivery agreed to bring a paper to the January or February Board to provide a status update on the N3 replacement project.	Director of Programme Delivery
The Director of Operations and Technical Services provided an update on service performance. He agreed to inform the Non-Executive Directors when there was an episode of significant service downtime.	Director of Operations and Technical Services
The Chair requested an update at the January or February Board regarding the long-term view of managing the organisations workforce.	Director of HR and Transformation
The Chair requested a proposal for improving financial reporting performance and systems be tabled at the March Board.	Director of Finance and Corporate Services
The Board requested a publications timetable and strategy be tabled at the February or March Board.	Director of Data and Information Services
The Board requested a quarterly review of the Transformation Programme Plan, the next one at the April Board.	Director of HR and Transformation
The HSCIC would write to the ICO to request clarification, and get further advice from the HSCIC lawyers, this would include proposals for an MOU between NHS England and the HSCIC, which would set out the relative responsibilities under this arrangement. An update would be provided at the January Board.	(Director of Information Assurance) Director of Operations and Technical Services
The Chair took an action to write to Mark Davies, Department of Health Sponsor Unit, regarding the HSCICs role in supporting the health and social care system from an information governance perspective.	Chair

Care.data - the Board noted that there would be a programme update at every Board meeting.	Director of Data and Information Services
Care.data - the Chair noted the Board had some concerns in respect to the governance arrangements for programme. The Chair took an action to write to the Department of Health Sponsor, he would copy this letter to Malcolm Grant, the Chair of NHS England's Board.	Chair
The Board requested that there was a revision of the paper produced which included the overall purpose of an ASH, implications for the HSCIC, alternative suggestions for management, risks associated with passing on patient identifiable information and the impact of being an accreditor or regularity body for ASHs. The Board authorised the Chair and the CEO to approve the paper.	Director of Information Assurance
The strategy would be updated to reflect the comments and feedback received. The Board authorised the Chair and the CEO to approve the revised Strategy.	Director for Clinical and Public Assurance
The Board requested the workforce response be consolidated into an encompassing paper for the February Board.	Director of HR and Transformation