

Policy Type: Information: Management, Security, Governance, Technology

Definition: Guidance

Owner Group: Performance & OD Directorate

THE CALDICOTT WORK PLAN

Application:

Application to: All PCT staff
Communication Method: Line Managers, Email, Intranet
Consequence of Non-adherence: Non-approval of documents, breach of policy

Approvals:

Approvals Body: Integrated Governance and Performance Committee,
via Integrated Governance Steering Group
Date approved: 28/3/2011
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Review Date: 28/3/2012

Source & Version:

Version: 1
Trust Policy No: 201
Policy Owner: Information Governance Manager

Introduction

The Caldicott Guardian oversees the Caldicott function and is primarily concerned with upholding and supporting patient confidentiality. This function is based within the broader remit of the Information Governance Assurance Framework as outlined by the DH Connecting for Health guidelines.

Under the Data Protection Act 1998 and other relevant legislation, the role of the Caldicott Guardian is vital in the assurance and safety of patient identifiable information.¹

The Caldicott function operates within several organisational areas where confidential information is used. In any case where confidential information has been requested for non-medical purposes, the Caldicott function (which may be delegated to the Information Governance Manager) will assess whether the information request is supported by the following six Caldicott principles:

Principle 1 – Justify the purpose(s) for using confidential information

Principle 2 – Only use it when absolutely necessary

Principle 3 – Use the minimum that is required

Principle 4 – Access should be on a strict need-to-know basis

Principle 5 – Everyone must understand his or her responsibilities

Principle 6 – Understand and comply with the law

The Caldicott Guardian will be consulted only when incidents are escalated from the Information Governance Manager or from the delegated Caldicott function.

At NHS Birmingham East and North, the Caldicott Work Plan is incorporated into the Trust's **Information Governance Work Programme**. The IG Work Programme will be managed through the Information Governance Steering Group.

The Information Governance Steering Group reports back to the Strategic Information Risk Management Group (SIRMG) which includes membership of the SIRO and the Caldicott Guardian. The SIRMG reports to the Integrated Governance and Performance Committee or the Integrated Governance Board.

¹ Requirement 8-200 of the IG Toolkit, The Information Governance agenda is supported by adequate confidentiality and data protection skills, knowledge and experience which meet the organisation's assessed needs;
www.igt.connectingforhealth.nhs.uk

Key Caldicott Responsibilities as outlined in the DH Caldicott Guardian Manual 2010:

Strategy & Governance: the Caldicott Guardian should champion confidentiality issues at Board/senior management team level, should sit on an organisation's Information Governance Board/Group and act as both the 'conscience' of the organisation and as an enabler for appropriate information sharing.

Confidentiality & Data Protection expertise: the Caldicott Guardian should develop a knowledge of confidentiality and data protection matters, drawing upon support staff working within an organisation's Caldicott function but also on external sources of advice and guidance where available.

Internal Information Processing: the Caldicott Guardian should ensure that confidentiality issues are appropriately reflected in organisational strategies, policies and working procedures for staff. The key areas of work that need to be addressed by the organisation's Caldicott function are detailed in the Information Governance Toolkit.

The NHS BEN Caldicott Function Work Plan

The Caldicott function has a key role in the following areas of the Information Governance Framework as outlined in the Connecting for Health Information Governance (Requirement 8-200).

1. Data Protection including Subject Access Requests

1.1 In relation to information disclosures, the advice of the Caldicott Guardian should be sought prior to making any statutory or public interest disclosure. (8-202)

The key responsibilities of the Caldicott Function are to:

- a. support the Caldicott Guardian;
- b. ensure the confidentiality and data protection work programme is successfully co-ordinated and implemented;
- c. ensure compliance with the principles contained within the Confidentiality: NHS Code of Practice and that staff are made aware of individual responsibilities through policy, procedure and training;
- d. complete the Confidentiality and Data Protection Assurance component of the Information Governance Toolkit, contributing to the annual assessment;
- e. provide routine reports to the senior management on Confidentiality and Data Protection issues.

1.2 The Caldicott Guardian will work with the Privacy Officer on confidentiality issues.

2. Policy and Procedure Development

The Caldicott Guardian should be an integral part of an Information Governance Forum or Steering Group which promotes a unified approach to Information Governance and which supports the development of an IG infrastructure. Part of this would involve approval and reviewing of policies and procedures relating to Data Protection and Confidentiality (requirement 8-101, section 8);

3.Information Life Cycle and Records Management Procedures

The Caldicott Guardian must be consulted by the Corporate Records Manager to ensure that the organisation's Records Management strategy and implementation programme is adhering to the DH guidance and protocols on confidentiality.(8-400)

4.Information Security

The Caldicott Guardian will be briefed and updated by the Information Security Manager to ensure that security risks to person identifiable and confidential patient information are reported and addressed. (8-301)

The Caldicott Guardian will monitor incident reports indicating loss of confidential information; stolen computers/laptops and will have responsibility for investigating the any breach of confidentiality. (8-206)

5.Contractual Information Governance

The Caldicott Guardian must counter-sign an Information Sharing Protocol with the Chief Executive outlining rules relating to the sharing of information with other organisations and provides guidance to staff in relation to sharing confidential information. (8-207)

6.Smartcards and Registration Authority

The Caldicott Guardian has to ensure adequate governance over the issuing of Smartcards and Registration Authority. (8-303)

7.Data Flow Mapping

The Caldicott Guardian would oversee and approve the annual data flow mapping process.

8. Education and Training

Staff which have been delegated a Caldicott function and responsibilities will be appropriately trained.

9. Patient Information Audit

The Caldicott Guardian will oversee the audit.

Legislation and Best Practice References

- *The Caldicott Guardian Manual 2010*, UK Council of Caldicott Guardians DH, (Gateway 14043)
- *Connecting for Health, Information Governance Toolkit*
<https://nww.igt.connectingforhealth.nhs.uk/>
- *The Data Protection Act 1998*
- *The Caldicott Principles*, Report of the Caldicott Committee 1998
- *NHS Act 2006*
- *Human Rights Act 2000*
- *Confidentiality: NHS Code of Practice*, DH November 2003
- *Common Law Duty of Confidence*
- *The Personal Information Promise*

Relevant Trust Policies

- *Confidentiality and Data Protection Policy and Procedures* (No: 192)
- *Information Governance Policy* (No: 162)