

Caldicott Function Plan

Version: 3
Date Issue: January 2018
Review date: January 2019
Reference: WCCC-1073-636
Team: Information Management
Protective Marking: Public

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Review and approvals

V0.1	Marie Seaton, Caldicott Guardian	January 2016
	Dr Kathryn Millard, Caldicott Guardian	January 2016
	Tonino Ciuffini, SIRO	January 2016
V1	Information Governance Steering Group	February 2016

V2	Information Governance Steering Group	Changes to training courses and UK Council publications	17 January 2017
V3	Andrew Morrall, Corporate Information Manager/DPO	Changes to personnel Updates for 2018	16 January 2018

1. Introduction and aims

The purpose of this document is to provide a statement on the responsibilities of the Caldicott Function in Warwickshire County Council (WCC), as a requirement of the Information Governance Toolkit.

The aims of this document are to ensure that:

- Caldicott issues are supported and addressed
- the Caldicott Guardian's responsibilities are covered and are clear to all staff
- the Information Management/Governance team responsibilities are clear and support the Caldicott Guardian and Caldicott Function.

2. Scope

The document covers the Caldicott Guardian and support roles in Warwickshire County Council.

The Caldicott Guardian Manual 2010 sets out the role of the Caldicott Guardian within a Caldicott/confidentiality function as a part of a broader information governance function.

3. Caldicott Guardian responsibilities

3.1 The role of the Caldicott Guardian

Taken from the "The Caldicott Guardian Manual 2010"

The Guardian plays a key role in ensuring that the NHS, councils with social services responsibilities and partner organisations satisfy the highest practical standards for handling patient identifiable information. Acting as the 'conscience' of an organisation, the Guardian actively supports work to enable information sharing where it is appropriate to share, and advises on options for lawful and ethical processing of information.

The Caldicott Guardian also has a strategic role, which involves representing and championing confidentiality and information sharing requirements and issues at senior management level and, where appropriate, at a range of levels within the organisation's overall governance framework. In all but the smallest of organisation, the Caldicott Guardian should work as part of a broader Caldicott Function with support staff, Caldicott or information governance leads contributing to the work as

required.

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.

Information Sharing: the Caldicott Guardian should oversee all arrangements, protocols and procedures where confidential patient information may be shared with external bodies both within, and outside, the NHS and councils with Social Care Responsibilities (CSSRs). This includes flows of information to and from partner agencies, sharing through the NHS Care Records Service (NHS CRS) and related new IT systems, disclosure to research interests and disclosure to the police.

4. The Caldicott Function

4.1 Responsibilities of the Caldicott Function

- support the Caldicott Guardian
- ensure the confidentiality and data protection work programme is successfully coordinated and implemented
- ensure compliance with the Caldicott Principles (see Appendix A) and that staff, at all levels, are made aware of individual information responsibilities through policy, procedure and training
- contribute to the annual IG Toolkit assessment
- provide routine reports to senior management on Confidentiality and Data Protection issues
- identify and address any barriers for sharing for health and social care
- contribute to the Coventry & Warwickshire Information Sharing Advisory Group
- review Data Protection (Privacy) Impact Assessments for new or changed processes and/or systems that affect health and social care.

4.2 Caldicott Function – local arrangements

The Caldicott Guardian for Children and Adult social care is Nigel Minns, Strategic Director of the People Group in WCC. This role covers all business units and functions within the People Group and includes externally commissioned services too. From 1 April 2018 this also includes the Public Health function.

The Caldicott Guardian will meet every quarter or as required with the Corporate Information Manager or Information Management team members.

The Caldicott Guardian will nominate a deputy in the event of absence when a Caldicott decision is required urgently.

The Caldicott Guardian will be regularly provided with information relating to the Caldicott issues log, improvement plan, or a report on any data protection breaches.

Confidentiality and data protection assurance is effectively incorporated within the broader information governance work plan through the WCC Information Governance Steering Group. The Caldicott Guardian represents and discharges their strategic roles for social care and health functions on the WCC Information Governance Steering Group, or their representative.

4.3 Process for obtaining Caldicott approval

Requests for access or sharing personal information may come from a variety of sources. Information Management will liaise with the relevant Caldicott Guardian when a request is received from external organisations or when agreements with external organisation are being made to release personal identifiable information, or if there is a change to processing personal identifiable information.

The Caldicott Guardian must decide whether the information should be released, or whether further discussions are needed to ensure the confidentiality and security of the information requested. All requests requiring formal Caldicott approval will be logged on a Caldicott issue log (example template Appendix B), maintained by Information Management and shared.

5. Training and knowledge

Objectives of Caldicott training are to:

- provide the knowledge and understanding required for those working in the role of Caldicott Guardian or Caldicott Lead/Assistant
- assist the Caldicott Guardian in the successful implementation of their role
- ensure that the Caldicott Guardian is equipped with the necessary tools,

including support and networks to fulfill their role within the organisation.

The following e-learning training modules are relevant for the Caldicott Guardian and support function in WCC to undertake:

1. WCC MR053 Information Compliance for Staff - Mandatory
2. WCC MR054 Information Compliance for Managers - Mandatory
3. Accredited external Caldicott Guardian training

It is necessary to ensure that the Caldicott Guardian has adequate confidentiality and data protection skills, knowledge and experience to successfully coordinate and implement the confidentiality and data protection work programme. To enable them to fulfil their role of Caldicott Guardian, the nominated individual, will be required to complete accredited training at least every three years. This could be achieved by their completion of the “The Caldicott Guardian in the NHS and social care” module of the NHS Information Governance Training Tool or by an external training provider.

Caldicott Guardians may attend CG meetings arranged by the UK Council. Other conferences, seminars and learning events can be attended by Caldicott Guardians or the support function and knowledge transferred.

Knowledge will also be shared between Caldicott Guardians and the Information Management support team at the quarterly meetings, email and a shared document space.

6. Accountability

Overall responsibility for the Caldicott Function Plan sits with the Senior Information Risk Owner.

Support for the Caldicott Guardian is provided by Information Management, Legal Services and local service support where appropriate.

7. Review

This plan will be reviewed annually in line with Information Governance Toolkit requirements or where changes occur with legislation or national policy.

8. References

1. UK Council of Caldicott Guardians, membership and terms of reference

www.gov.uk/government/groups/uk-caldicott-guardian-council

www.ukcgc.uk

2. Caldicott Manual 2017 -

www.gov.uk/government/uploads/system/uploads/attachment_data/file/581213/cgmanual.pdf

Links to guidance: www.ukcgc.uk/manual/guidance

3. NHS Data security and information governance -

<https://digital.nhs.uk/data-security-information-governance>

4. Caldicott 2 Review – Information: To share or not to share: The Information Governance Review -

www.gov.uk/government/publications/the-information-governancereview

Appendix A - The Caldicott Principles

Principle 1: Justify the purpose(s)

Every proposed use or transfer of personal confidential data within or external to the organisation should be clearly defined and scrutinised, with continuing uses regularly reviewed by the Caldicott Guardian.

Principle 2: Don't use personal confidential data unless absolutely necessary

Personal confidential data should only be used if there is no alternative.

Principle 3: Use the minimum personal confidential data

Where use of personal confidential data is considered to be essential - use only that information necessary to achieve the purpose.

Principle 4: Access to patient identifiable information should be on a strict need to know basis

Only those individuals who need to access personal confidential data should have access to it, and they should only have access to the information items they need to see.

Principle 5: Everyone should be aware of their responsibilities

Action should be taken to ensure that those handling personal confidential data are aware of their responsibilities and obligations to respect patient confidentiality.

Principle 6: Understand and comply with the law

Every use of personal confidential data must be lawful.

Principle 7: The duty to share information can be as important as the duty to protect patient confidentiality

Health and social care professionals should have the confidence to share information in the best interests of their patients within the framework set out by these principles.

Appendix B – Caldicott Issue Log

The issue log will include and record data:

Issue Code

Brief Description

Main Issues

Date issue logged

Caldicott Guardian

Caldicott Lead

Actions and allocated responsibility

Target resolution timescale

External advice and guidance sought

Date actions complete/issue closed

Follow up procedure for unsatisfactory feedback to resolution