

National Data Guardian's Panel – Terms of Reference

Overview

Dame Fiona Caldicott is the holder of the statutory post of National Data Guardian for Health and Social Care (NDG), appointed by the Secretary of State for Health and Social Care. The powers and responsibilities of the post are laid out in the Health and Social Care (National Data Guardian) Act 2018¹.

The NDG may publish guidance about the processing of health and adult social care data in England. Public bodies exercising health and adult social care functions must have regard to such guidance, as must organisations contracted by public bodies to support these functions. The NDG may also provide informal advice, information and assistance about the processing of health and adult social care data in England.

The NDG is empowered to appoint staff and advisors as she or he may determine and may pay expenses and allowances to advisors. Service as an advisor to the NDG is not service in the civil service of the State.

Aims and functioning of the panel

The NDG's panel supports the NDG through the provision of expert advice to enable the NDG to exercise her statutory powers, meet her statutory duties, and deliver her objectives.

Recognising the independence of the NDG, members of the panel will operate in an independent and transparent manner when advising the NDG and when undertaking work on behalf of the NDG. Members will not be expected to represent any organisations by which they are employed.

The panel will comply with the Standards in Public Life² (also known as the "Nolan Principles). Members will be expected to declare any conflict of interests and abide by their terms of appointment.

¹ <http://www.legislation.gov.uk/ukpga/2018/31/contents>

² <https://www.gov.uk/government/publications/the-7-principles-of-public-life>

Panel members will be remunerated in line with the Department of Health and Social Care framework for contractors, as set out in the terms of appointment.

Accountability

The NDG is accountable to the Secretary of State for Health and Social Care. The panel is accountable to the NDG.

Membership

Membership of the panel will be by invitation from the NDG. The duration of appointment will normally be three years, and may be extended by a further three years. However, recognising the long-term nature of some of the matters on which the NDG is asked to advise, the NDG may choose to retain members with particular knowledge and experience beyond the normal duration of appointment.

The constitution of the panel will generally range between twelve and sixteen members. The number will flex depending on the need and availability of particular expertise, and the work that the NDG is commissioned to undertake.

Staff in the Office of the National Data Guardian (ONDG) attend panel meetings but are not members of the panel. Office members attend to ensure the smooth running of panel meetings, to provide input from an operational perspective and to follow up actions and agreed decisions made at panel meetings.

A list of the membership of the panel will be published and kept up to date on the NDG's web pages.

The UK Caldicott Guardian Council (UKCGC) is a sub-group of the NDG's panel. The Chair of the UKCGC is invited to attend meetings of the panel as an observer.

Additional observers may be invited to panel meetings from time to time, by invitation from the chair for the whole or part of any meeting.

Meetings

Meetings of the NDG's panel will be chaired by the NDG or a nominated deputy. There will generally be six meetings of the panel each year. Additional meetings, either of the full membership or a sub-group, will be arranged on an ad-hoc basis as required. Meetings will be arranged and supported by the ONDG.

Minutes of the panel meetings will be published on the NDG website after approval at the following meeting.

Engagement and key relationships

The work of the panel involves maintaining a number of key relationships including with the Department of Health and Social Care, arm's length bodies, regulators, professional bodies and patient advocacy groups.

Steering group

In order to provide more regular support to the NDG in between panel meetings, a smaller group made up in the main of nominated panel members, take part in steering group meetings. Membership of the steering group is by invitation from the NDG. The steering group will normally meet six times a year. Key tasks are undertaking initial reviews of issues and papers which might be considered by the panel, providing a space for more detailed consideration of some matters and providing guidance to the office on operational matters which require oversight. An output of agreed actions or decisions from the steering group meeting will be shared with the panel on a monthly basis.