

**NHS Digital**

**Minutes of Board Meetings**

**Wednesday 30 November 2016**

**Part 1 - Public Session**

**Present:**

Non-Executive Director (Chair)

Noel Gordon

Non-Executive Director (Vice-Chair)

Sir Nick Partridge

Non-Executive Director (Senior Independent Advisor)

Sir Ian Andrews

Non-Executive Director

Sir John Chisholm

Non-Executive Director

Prof. Maria Goddard

Chief Executive Officer

Andy Williams

Director of Digital Transformation

Beverley Bryant

Chief Operating Officer

Rob Shaw

Clinical Director and Caldicott Guardian

Prof. Martin Severs

**In attendance:**

Head of Workforce

Rowena Herbert

Director of Information and Analytics

David Hughes

Executive Office Secretariat

Emma Martin-Morrissey

1. **Chair's Introduction and Apologies** NHSD 16 04 01

- 1.1 The Chair convened a meeting of the NHSD Digital Board. He welcomed the Board and the public audience.

The Chair noted that it would be the last public Board meeting that Non-Executive Director and NHS Digital Deputy Chair, Sir Nick Partridge would attend, as he would be retiring from NHS Digital on 31 December 2016. The Chair thanked Sir Nick for his valuable contribution to the Board during his time in post.

- 1.2 The Chair confirmed that Rachael Allsop, Director of Workforce, Dr Sarah Blackburn, Non-Executive Director, Tamara Finkelstein, DH Director General for Community Care Keith McNeill, NHS Chief Clinical Information Officer (CCIO) and Carl Vincent, Director of Finance had registered their apologies for the meeting. He confirmed the meeting was quorate.

- 1.3 The Chair also noted that Andy Williams had announced that he would retire as Chief Executive Officer (CEO) for NHS Digital on 31 March 2017. A structured process had been developed through the Remuneration Committee to appoint a successor, which would start week commencing 5 December 2016, and a public advertisement for the post would be published during the second week in January 2017. The Chair reported that the process was expected to take longer than four months and Rob Shaw, Chief Operating Officer (COO) had kindly agreed to act as interim CEO from 31 March 2017 until the new CEO is in post. Sir Ian Andrews, Senior Independent Adviser, would oversee and have dual control with the Chair, over the process, where the Chair was deemed to have a potential conflict of interest in respect of any candidates from NHS England of which he is a Non-Executive Director. Andy Williams will be in post until 31 March 2017 and will continue to fulfil his duties as CEO until that date.

2. **Declaration of Interests and Minutes** NHSD 16 04 02

- 2.1 (a) Register of Interest (paper): NHSD 16 04 02 (a)

The Clinical Director and Caldicott Guardian highlighted an error in the Register of Interests paper. The British Medical Association had been incorrectly listed as British Medical Associates. The Board agreed the register of interests was correct other than the highlighted error. The error in the register would be corrected.

- 2.2 (b) Minutes of Board Meeting on 07 September 2016 (paper): NHSD 16 04 02 (b)

The Board ratified the minutes of the meeting held on 07 September 2016.

- 2.3 (c) Matters Arising (oral): NHSD 16 04 02 (c)

There were no matters arising raised.

- 2.4 (d) Progress on Action Points (paper): NHSD 16 04 02 (d)

The Board noted the progress on action points resulting from the previous meetings. The Chair drew the Board's attention to some improvements that had been made to the format of the action update to make it easier to track progress against actions.

3. **Strategic and Operational Delivery Performance** NHSD 16 04 03

- 3.1 (a) Board Performance Pack (paper): NHSD 16 04 03 (a)

The Chief Executive Officer (CEO) presented this item. The purpose was to provide the Board with a summary of NHS Digital's performance in October 2016.

He drew the Board's attention to the Programme Achievement Key Performance (KPI) Indicator and noted that 28 of 33 Paperless 2020 were now being reported and the rest of the Programme Achievement KPI comprised of 12 legacy programmes. The CEO highlighted that one of the Paperless 2020 programmes was reported red, the Citizen Identity Programme. He reported that work was being progressed with the Government Digital Service to agree on the correct approach.

The CEO noted that one of the 12 legacy programmes, the Child Protection Information Sharing Programme was reported as red. The Board expressed concern at the status and the Director of Digital Transformation reported that the programme had recently had a Gateway Review and a root analysis and this work showed that the targets for the year had been over ambitious. A more realistic plan was being developed that would be in place by March 2017. It was reported that the programme had confidence in this approach and that its 2018 targets would still be reached.

The CEO reported that the Amber rating for Organisational Health was due to a delay in recruitment but noted that progress was being made in the area.

The CEO noted that November's IT Service performance report would be affected by the issues experienced with NHS Mail on Monday 14 November. The Chief Operating Officer reported that a full report would be taken to the Board on the 1 February 2017 including a review of clinical safety that was being conducted by the Clinical Director and Caldicott Guardian.

3.2 (b) Transformation Update: Embedding the Operating Model (paper): NHSD 16 04 03  
(b)

The Head of Workforce attended to present this item on behalf of the Director of Workforce. The purpose was to provide an update to the Board on the latest status of NHS Digital Transformation and progress in embedding the Operating Model. The Head of Workforce highlighted the work undertaken by the transformation review and highlighted the areas that require focus.

The Board noted the progress of the Transformation Programme and was reassured of progress to date. The Chair noted that changing culture was not easy but was fundamentally important to what NHS Digital were trying to achieve.

The Board discussed next steps and what the next target would be now that the Minimum Viable Product had been achieved. The CEO reported that the Executive Management Team (EMT) would be meeting to consider areas of focus and whether additional actions were required further to what was already planned.

The Board discussed the requirement for a target workforce model as part of the next steps work and the Chair suggested that a joint paper should be submitted for the 28 March Board which encompasses the Capability Review, Refreshing the Strategy and the Target Workforce Model. He stated that the Target Workforce Model would bring together the Capability Plan and Strategy and the Strategy refresh and all three should converge in one paper.

**Action: Director of Workforce**

The Board discussed employee engagement and highlighted the importance of regular engagement with staff to reiterate messages of cultural change. The Chair requested a progress update for the next Board on 1 February 2017 on

Transformation and employee engagement.

**Action: Director of Workforce**

#### 4 **Strategy and Capability** NHSD 16 04 04

(a) Paperless 2020 Clinical Governance and Clinical Safety (paper): NHSD 16 04 04  
(a)

##### 4.1

The Medical Director and Caldicott Guardian presented this item. The purpose was to brief the Board on how it is intended that clinical governance and patient safety are integrated into the Paperless 2020 portfolio of programmes at an operational level.

The Board addressed the identified risk of taking clinicians away from direct clinical work, given the staffing shortage in the NHS. The Board noted the importance and the benefits of embedding clinicians in the development of clinical systems and that the approach had the approval of the Strategic Clinical Reference Group (SCRG). It was noted that as health and social care moves further towards the digital age, the work that NHS Digital and the clinician does would be more closely aligned.

The Board discussed public confidence issues and the Chair agreed that it was important to ensure that the system had the correct accountability. He also stated that it was key to build a narrative that is communicated effectively to appease any concerns raised by the public.

The Board welcomed and approved the paper and gave approval for assigning a Non-Executive Director (NED) the responsibility of being sighted on Clinical Safety and Governance. The Chair stated that the responsibility would be suited to one of the incoming NEDs that were being appointed. He said that the appointment would be announced in early 2017 and the Medical Director and Caldicott Guardian agreed that he could wait until that time for confirmation of the assigned NED.

**Action: Chair**

##### 4.2 (b) NHS Digital Data Strategy (paper): NHSD 16 04 04 (b)

The Director of Information and Analytics presented this item. The purpose was to present the final version of NHS Digital's data and information strategy to the Board for approval.

Non-Executive Director, Sir John Chisholm made an observation that the three key elements of data and information services, are the data, the analytics (software) and the analysis. Data is the role of NHS Digital, analytics software will be provided by NHS Digital as part of the Data Services Platform (DSP), but organisations should be free to use their own, and analysis will be performed in many organisations, including in NHS Digital. The Chair requested that the strategy paper more strongly reflect this distinction.

**Action: Director of Information and Analytics**

The Board noted, given the importance of ensuring the security and protection of citizens' data, that information security and governance arrangements had an important part to play in any strategy.

##### 4.3 (c) Business Analysis (Front Door) Proposals (paper): NHSD 16 04 04 (c)

The Director of Digital Transformation presented this item. The purpose of the paper was to brief the Board on proposals for the establishment of a Business Analysis "front-door" service those co-ordinates NHS Digital's response to requirements and opportunities from customers.

The Board were supportive of the paper and approved the proposals and specific steps outlined in the paper.

The Director of Digital Transformation was asked to bring to the March Board a holistic design for the whole Client Engagement Capability.

**Action: Director of Digital Transformation**

## 5 **Governance and Assurance** NHSD 16 04 05

### 5.1 (a) The process for managing Data Requests, Data Releases and Associated Audits NHSD 16 04 05 (a)

The Medical Director and Caldicott Guardian presented this item. The purpose was to provide the Board with the matrix and diagram that sets out the different stages of managing a request for data and the lead directors for each stage in the process. The Matrix and diagram had been provided for information at the Board's request. The Board noted the information in the matrix and diagram.

### 5.2 (b) NHS Digital Clinical Appraisal and Revalidation Policy (paper): NHSD 16 04 05 (b)

The Medical Director and Caldicott Guardian presented this item. The purpose was to seek endorsement of the updated policy for clinical registration and revalidation. The Board noted and endorsed the updated policy.

### 5.3 (c) Corporate Governance Manual 2017-18 (paper): NHSD 16 04 05 (c)

The Chair introduced this item. The purpose was to present the 2017-18 Corporate Governance Manual to the Board for approval. The Chair drew attention to section 3.1.1 entitled Confidentiality Responsibilities and asked the Board to note what is expected in this area. It was noted that the updated document had been reviewed and approved by the Assurance and Risk Committee at its meeting on 16 November 2016. The Board, being satisfied with the information and assurances provided, approved the Corporate Governance Manual 2017-18.

### 5.4 **(d) Directions for Acceptance: NHSD 16 04 05 (d)**

#### (i) Directions: Community Services Data Set Pilot (paper):

The Director of Information and Analytics presented this item. The Board, being satisfied with the information and assurances provided, accepted the Direction.

#### (ii) Mandatory request from the National Institute for Health and Care Excellence for 'Quality Outcome Framework Pilot 11' data extraction (paper)

The Director of Information and Analytics presented this item. The Board, being satisfied with the information and assurances provided, accepted the Direction.

#### (iii) Direction from Department of Health for NHS Health Check for adults aged 40 – 74 years' data extraction (paper):

The Director of Information and Analytics presented this item. The Board, being satisfied with the information and assurances provided, accepted the Direction.

#### (iv) Direction from Department of Health for Emergency Care Data Set pilot (paper)

The Director of Information and Analytics presented this item. The Clinical Director

and Caldicott Guardian advised that the Board should support the direction depending on successful approval by the Data Access Advisory Group (DAAG) / Independent Group Advising on the Release of Data (IGARD) and that NHS Digital would conform to any scrutiny that may come out of that process. The Board, being satisfied with the information and assurances provided, accepted the Direction.

#### 5.5 (e) Committee Reports: NHSD 16 04 05 (e)

##### (i) Assurance and Risk Committee (ARC) Report: 16 November 2016 (oral)

Senior Independent Advisor, Sir Ian Andrews, introduced this item on behalf of the Assurance and Risk Committee Chair Dr Sarah Blackburn. The purpose was to brief the Board on the last committee meeting held on 16 November 2016. The Committee had considered three strategic deep dives on risk and mitigations for the Health and Social Care Network (HSCN), Paperless 2020 and Data Sharing programmes. The Committee had discussed the complexities of the HSCN programme and the difficulties presented by the procurement of multiple suppliers. Assurances had been given that these risks would be managed through strengthening NHS Digital's commercial support by increased recruitment of commercial expertise and calling on the expertise of Crown Commercial.

The Committee had also received updates on Capability Review Delivery Assurance, the Risk and Control Assurance Framework, strategic risks and issues and 5 internal audit reports.

The Committee approved the National Audit Office 2016/17 Audit Plan and changes to the Corporate Governance Manual.

##### (ii) Information Assurance and Cyber Security Committee (IACSC): 16 November 2016 (oral)

The Information Assurance and Cyber Security Committee (IACSC) Chair and Non-Executive Director, Sir Ian Andrews, presented this item. The purpose was to brief the Board on the last committee meeting also held on 16 November 2016. He reported that the Committee had received a briefing from the National Cyber Security Centre (NCSC), reports on various security incidents and responses to them and progress against the Cyber Security Programme. The Committee also discussed implementation plans for the National Data Guardian (NDG) review once received and considered emerging proposals for information governance within the Department of Health.

##### (iii) Remuneration Committee: 05 October 2016 (oral)

The Chair requested that the Remuneration Committee report is no longer reported to the Board, as the discussions are people related and should remain confidential.

#### 5.6 (f) Board Terms of Reference (paper): NHSD 16 04 05 (f)

The Chair introduced this item. The purpose was to present the updated NHS Digital Board Terms of Reference to the Board for approval. The updated terms of reference contained some Minor, non-material revisions that had been made at the request of the Chair.

The Chair reported that Dr Sarah Blackburn had agreed to take over from Sir Nick Partridge as Deputy Chair when he retires from NHS Digital on 31 December 2016. He briefed the Board on the process to recruit additional Non-Executive Directors (NEDs) and that, subject to ministerial and No.10 approval, these would be announced in January 2017 and for a short period until 31 March 2017; the NHS

Digital Board would exceed the number of required NEDs, which it is allowed to do at its own discretion.

The Board approved the updated NHS Digital Board Terms of Reference and noted the Chair's update.

- 5.7 (g)Board Forward Business Schedule 2016-17 (paper) – for information NHSD 16 04 05 (g)

The Board noted this paper for information.

- 6 **Any Other Business (subject to prior agreement with chair):** NHSD 16 04 06

There were no items of any other business discussed.

- 7 **Background Papers (for information)** NHSD 16 04 07

- 7.1 (a)Direction: Breast and Cosmetic Implant Register Update (paper) NHSD 16 04 07 (a)

The Board noted this paper for information.

- 7.2 (b)Forthcoming Statistical Publications ( Paper): NHSD 16 04 07 (b)

The Board noted this paper for information.

- 7.3 (c)Programme Definitions (paper) – for reference NHSD 16 04 07 (c)

The Board noted this paper for information.

- 8 **Date of Next Meeting**

- 8.1 The next statutory Board meeting will take place on 01 February 2017 London (venue to be confirmed).

*The Board resolved that pursuant to the Public Bodies (Admission to Meetings) Act 1960 that representatives of the press and other members of the public be excluded from the remainder of this 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) Public Bodies (Admission to Meetings) Act 1960).*

**Table of Actions:**

<b>Action</b>	<b>Action Owner</b>
<p><u>Transformation Update</u></p> <p>The Board discussed the requirement for a target workforce model as part of the next steps work and the Chair suggested that a joint paper should be submitted for the 28 March Board which encompasses the Capability Review, Refreshing the Strategy and the Target Workforce Model. He stated that the Target Workforce Model would bring together the Capability Plan and Strategy and the Strategy refresh and all three should converge in one paper.</p>	<p><b>Director of Workforce</b></p>
<p><u>Transformation Update</u></p> <p>The Chair requested a progress update for the next Board on 1 February 2017 on Transformation and employee engagement.</p>	<p><b>Director of Workforce</b></p>
<p><u>Business Analysis (Front Door) Proposals</u></p> <p>The Director of Digital Transformation was asked to bring to the March Board a holistic design for the whole Client Engagement Capability.</p>	<p><b>Director of Digital Transformation</b></p>
<p><u>Paperless 2020 Clinical Governance and Clinical Safety</u></p> <p>The Board welcomed and approved the paper and gave approval for assigning a Non-Executive Director (NED) the responsibility of being sighted on Clinical Safety and Governance. The Chair stated that the responsibility would be suited to one of the incoming NEDs that were being appointed. He said that the appointment would be announced in early 2017 and the Medical Director and Caldicott Guardian agreed that he could wait until that time for confirmation of the assigned NED.</p>	<p><b>Chair</b></p>
<p><u>NHS Digital Data Strategy</u></p> <p>Non-Executive Director, Sir John Chisholm made an observation that the three key elements of data and information services, are the data, the analytics (software) and the analysis. Data is the role of NHS Digital, analytics software will be provided by NHS Digital as part of the Data Services Platform (DSP), but organisations should be free to use their own, and analysis will be performed in many organisations, including in NHS Digital. The Chair requested that the strategy paper more strongly reflect this distinction.</p>	<p><b>Director of Information and Analytics</b></p>

<b>Agreed as an accurate record of the meeting</b>	
<b>Date:</b>	
<b>Signature:</b>	
<b>Name:</b>	
<b>Title:</b>	NHS Digital Chair