NHS Digital

Minutes of Board Meeting

Wednesday 31 May 2017
Venue: Diggory, Hill and Bevan, Ground Floor, 1 Trevelyan Square, Leeds, LS1 6AE

Part 1 - Public Session

Present:

Noel Gordon	Non-Executive Director (Chair)
Dr Sarah Blackburn	Non- Executive Director (Vice Chair)
Sir Ian Andrews	Non-Executive Director (Senior Independent Director)
Dr Marko Balabanovic	Non-Executive Director
Daniel Benton	Non-Executive Director
Prof. Soraya Dhillon, MBE	Non-Executive Director
Prof. Sudhesh Kumar	Non-Executive Director
Rob Tinlin	Non-Executive Director
Rob Shaw	Interim Chief Executive Officer
Beverley Bryant	Director of Digital Transformation
Carl Vincent	Director of Finance and Corporate Services
Prof. Keith McNeil	NHS Chief Clinical Information Officer (CCIO), (NHS England representative)
Prof. Martin Severs	Medical Director and Caldicott Guardian

In attendance:

Dean White	Secretary to the Board
Chris Jarvis	Interim Board Secretary

1.   **Chair's Introduction and Apologies**   **NHSD 17 02 01 (P1)**

1.1   The Chair convened a meeting of the NHSD Digital Board and welcomed members of the public to the meeting.

1.2   The Chair reported that he had received apologies from Rachael Allsop, Director of Workforce, Prof. David Hughes, Director of Information & Analytics, Tamara Finkelstein, Director General for Community Care (Department of Health representative).

1.3   The Chair noted that the meeting was subject to General Election communication controls (purdah). In keeping with other ALBs, NHS Digital would be withholding publication of Board papers until election communication controls had been rescinded.

1.4   The Chair acknowledged the extraordinary contribution of the NHS family in dealing with the terrible events in Manchester.

1.5   The Chair further noted the extraordinary resilience of NHS and NHS Digital systems in contending with the recent Cyber attack. The Chair expressed his thanks to the CEO and his teams for successfully helping to steer the NHS and NHS Digital through this high risk event, noting that measures are now in-hand to further strengthen NHS defences and to learn lessons from the experience.

1.7   Finally, the Chair noted the Board's thanks to Chris Jarvis, out-going Board Secretary for running an efficient Board function over the past few months.

1.8   The Chair confirmed that the meeting was quorate.

2.   **Declaration of Interests and Minutes**   **NHSD 17 02 02 (P1)**

2.1   (a) Register of Interest (paper)   NHSD 17 02 02 (a) (P1)

The Chair noted two amendments to the register of interests.

The Chair asked Board members to make declarations of interest for the Agenda items listed. None were noted.

2.2   (b) Minutes of Board Meeting on 03 May 2017 (paper)   NHSD 17 02 02 (b) (P1)

The Board ratified the minutes of the meeting Part 1 held on 03 May 2017.

2.3   (c) Matters Arising (oral)   NHSD 17 02 02 (c) (P1)

There were no matters arising not covered on the agenda.

2.4   (d) Progress on Action Points (paper)   NHSD 17 02 02 (d) (P1)

The Board noted the progress on action points resulting from the previous meetings. Rob Tinlin asked that action owners be requested to ensure that their "Commentary" & "Next Steps" entries included more detail and specific target completion dates.

Action: Board Secretariat to communicate this requirement to action owners.

3.   **Strategic Delivery and Capability**   **NHSD 17 02 03 (P1)**

3.1   (a) CEO Business Update   NHSD 17 02 03 (0) (P1)

Rob Shaw, Interim CEO introduced this item, noting:

- That the GP Connect services pilot had gone successfully live at Leeds Hospital enabling hospital medical staff to access General Practice records held by local GPs using the EMIS system.
- A second instance of the Lorenzo hospital system had gone live at Mid Essex hospital with a third instance expected to go live in the near future.
- Beverley Bryant, Director of Digital Transformation had recently supported a UK trade mission to Brazil, receiving positive feedback from other delegates on the contribution made by the NHS Digital team to this event.
- NHS Digitals attendance at e-Health Week had gone very well and learning points were being incorporated into planning for future conference attendance.
- Rob Shaw, Interim CEO noted that NHS Digital have been invited to speak at the next Local Government Association conference on the topic of the recent Cyber-attack and Cyber Security.

3.2   (b) Update on Cyber Attack (oral)   NHSD 17 02 03 (a) (P1)

Rob Shaw, Interim CEO introduced this item.

Rob Shaw, confirmed that no national systems operated by NHS Digital, or any of its own internal systems had been compromised by the attack.

Rob Shaw noted that as soon as the scale of the attack had become apparent, a 24/7 helpline and support team swung into operation working with DH and national agencies to combat the threat to NHS services.

Work was still ongoing at a national level to trace those responsible for the attack and a number of reviews were now underway or about to commence looking at all aspects of this high risk event.

In light of the attack NHS Digital's CareCert team are developing an enhanced package of support to aid local NHS organisations and to help protect them from future attacks.

The Chairs of NHS Digital, NHS England and NHS Improvement have established a joint Cyber forum to ensure any lessons which need to be learnt, actioned and which need to be implemented are taken forward by the system.

Rob Shaw noted that a key risk for NHS organisations is the issue of medical and diagnostic devices (rather than systems) running on older/vulnerable versions of software. This issue can't be resolved quickly.

Prof. Soraya Dhillon noted the importance of recognising the needs and challenges of community services and their staff, which tended to be more isolated than those based in hospitals.

Sir Ian Andrews recognised that there had been a genuine team response (NHS-wide/cross-Government) to the attack, and that the contribution of NHS Digital and the CareCert team had been duly noted.

In response to a question from the Chair, Rob Shaw confirmed that this had been the biggest ever Ransom Ware attack on the NHS but that luckily it hadn't been very sophisticated. The very high number of incidents had stretched the available resources and important lessons had been learnt such as the need to work with software suppliers like Microsoft to overcome legacy devices and associated software maintenance issues.

The Chair thanked Rob Shaw for his candid summary and noted that this had been a timely reminder of the need for vigilance, preparedness and leadership as well as highlighting the need for clearer, stronger guidance and direction.

4   **Governance and Assurance**

4.1   **Annual Report of Accounts (paper)**   **NHSD 17 02 04 (a) (P1)**

Carl Vincent, Director of Finance and Corporate Services presented this item. The purpose was to gain approval from the Board for the 2016-17 Annual Report and Accounts.

Carl Vincent confirmed that the draft Annual Report and Accounts had been considered by the Assurance and Risk Committee (ARC), noting the challenge which had been encountered as a consequence of the consolidation of a number of P2020 assets and associated budgets into NHS Digitals 2016-17. Despite this challenge Carl Vincent confirmed that there had been a good review by the National Audit Office (NAO) and that work was on track to complete a final draft for presentation to the NAO by the end of June and submission to Parliament shortly thereafter.

The Chair thanked Carl and asked Dr Sarah Blackburn Chair of ARC to comment on the draft accounts.

Dr Sarah Blackburn (SB) confirmed that ARC had considered the draft Annual Report and Accounts, and that subject to any final points or actions received from the National Audit Office (NAO), ARC proposed to recommend the 2016-17 Annual Report and Accounts to the Board.

SB asked the Board to grant delegated authority to the Accounting Officer to make minor and or non-material changes as maybe requested by the auditors, subject to the agreement of the Chair of ARC.

SB further noted that ARC had received Internal Audit's consideration of internal audit arrangements and audit work delivered during 2016/17. Their opinion was moderate, a good outcome given the challenges noted by Carl Vincent. SB reported that ARC had further noted that there was a good system of internal risk control in place, operated through finance, internal and external audit teams.

The Chair thank SB noted for the update and noted the recommendation of ARC. He thanked Carl Vincent, Dr Sarah Blackburn, ARC and the finance and communication teams for their efforts in finalising the document.

The Chair proposed a motion to approve the 2016-17 Annual Report and Accounts and to grant delegated authority to the Accounting Officer. The motion was so approved.

4.2   **(b) Directions for Acceptance:**   **NHSD 17 02 04 (b) (P1)**

    i.   <u>Establishment of Information Systems for NHS</u>   NHSD 17 02 04 (a)(i)
            <u>Services: Emergency Care Data Set Collection</u>   (P1)
            <u>Directions 2017 (paper)</u>

The Medical Director and Caldicott Guardian presented this item on behalf of the Director of Information & Analytics. Direction has been received from NHS England to support the Emergency Care Data Set (ECDS). Implementing ECDS will facilitate better and timelier access to data on Emergency Department activity. The Direction covers the transmission of ECDS data to NHS Digital and the subsequent dissemination of the data.

Initially the sponsor for the ECDS Impact Assessment was DH. As the project has moved forward into the delivery phase for ECDS, sponsorship of the Direction has transferred to NHS England.

The existing Commissioning Data Set (CDS) was developed in the late 1970s. At that time the work of A&E was largely minor injuries and occasional major trauma and

CDS Type 010 was appropriate for measuring this work at that time.

In the last 40 years there has been a sustained increase in the volume, scope and complexity of Emergency Care and the CDS has not evolved to keep pace with these changes and this has resulted in an 'information gap' in the data collected from A&E. The information gap has reached such an extent that in 2013, the Commons Health Select Committee, when reviewing Urgent and Emergency Care, commented that the system was 'Flying Blind'.

NHS Digital has been commissioned to deliver the capability to collect and disseminate the updated Emergency Care Data Set (ECDS) by the ECDS project board, chaired by Professor Jonathan Benger, National Clinical Director for Urgent Care at NHS England.

The Board, being satisfied with the information and assurances provided regarding; burden consideration, links to P2020, benefit and NHS Digital capacity, accepted the Direction.

ii.	Community Services Dataset Direction (paper)	NHSD 17 02 04 (b)(ii) (P1)

The Medical Director and Caldicott Guardian presented this item on behalf of the Director of Information & Analytics.

Further to the approval of Directions for the Community Services Data Set Pilot that came into force on 20 March 2017, this paper is a request for the agreement to the attached Full Directions to enable the collection of data from all providers of Community Services to support the implementation of a new national Community Services Data Set (CSDS).

The flow of a national community services data set has been prioritised by NIB and has a ministerial focus. Agreement has been reached with NHS England to amend the existing 'Children and Young Persons Health Services dataset' (CYPHS) to enable the collection of data for the whole community by removing the age restriction presently enforced when collecting data.

An application for the issue of an Information Standards Notice was approved by the Standardisation Committee for Care Information (SCCI) on 29 March 2017 and was issued on 21 April 2017.

Directions have been raised by NHS England on behalf of Department of Health in support of the 'full' collection of data relating to all Community Service Providers**.**

The Board was satisfied with the information and assurances provided regarding burden consideration, links to P2020, benefit and NHS Digital capacity, but sought clarification as to whether a Direction raised by NHS England could be extended to include services provided by Local Authorities as they fell outside the remit of NHS England.

The Board conditionally accepted the Direction subject to the Medical Director and Caldicott Guardian and or Director of Information & Analytics confirming the Direction was not ultra vires.

Post meeting note: *The CSDS direction for the pilot was issued in 2016 by NHS England. This CSDS direction that the Board considered on 31st May 2017 is to be issued by Secretary of State, although drafted by NHS England. As such it legally covers health and social care and meets the necessary local authority conditions as part of the DH responsibilities.*

4.3	(c) Committee Reports (oral)	NHSD 17 02 04 (c) (P1)

i.	i. Investment Committee (IC) Report: 09 May 2017(oral)	NHSD 17 02 04 (c)(i) (P1)

Noel Gordon, Committee Chair introduced this item. The purpose was to provide the Board with a summary of recent committee business. Noel Gordon reported:

- The new IC was established on 7 May 2017.
- The Chair confirmed that Committee membership included :Noel Gordon (Chair), Daniel Benton, Non-Executive Director, Carl Vincent, Director of Finance & Beverley Bryant, Director of Digital Transformation
- The Committee forms part of National Information Board (NIB) wide approvals system with a remit to review Investment Justifications and Business Cases.
- The Investment Committee which met on 7 May considered two submissions:
  o National Data Services Development
  o Digital Child Health Programme

- Both business cases were approved, and demonstrated that the process worked well but also highlighted aspects where opportunities exist to strengthen risk assurance of the business case.

ii.	Assurance and Risk Committee (ARC) Report: 10 May 2017 (oral)	NHSD 17 02 04 (c)(ii) (P1)

Dr Sarah Blackburn, Committee Chair introduced this item. The purpose was to provide the Board with a summary of committee business from its meeting on the 10 May.

- The Committee considered progress on actions relating to the Capability Review.
- The Committee Chair met with Internal Audit and NAO to review plans for finalising the Annual Report and Accounts.
- The Committee considered a paper on DSCROs and Type 2 Objections.
- The Committee undertook deep-dives on two subjects of interest; Clinical Safety and Governance.
- The Committee offered advice on the draft Whistleblowing policy.

5	**Any Other Business (subject to prior agreement with chair)**	**NHSD 17 02 05 (P1)**
5.1	There was no other business	
6	**Background Papers (for information)**	**NHSD 17 02 06 (P1)**
6.1	(a) Board Forward Business Schedule (paper)	NHSD 17 02 06 (a) (P1)

The Board noted this paper for information.

6.2	(b) Forthcoming statistical Publications (paper)	NHSD 17 02 06 (b) (P1)

The Board noted this paper for information.

7	**Date of Next Meeting**	
7.1	The next statutory Board meeting will take place on 06 September 2017.	

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:

Paper Ref	Action Reference	Action Owner
NHSD 17 02 02 (d) (P1)	Board Action owners be requested to ensure that their "Commentary" & Next Steps" entries include more detail and specific target completion dates.	Executive Office Secretariat
NHSD 17 02 04 (b)(ii) (P1)	Medical Director and Caldicott Guardian and or Director of Information & Analytics to confirm to the Board Secretary that the Direction is not ultra vires.	Prof M Severs Prof David Hughes

Agreed as an accurate record of the meeting	
Date:	
Signature:	
Name:	Noel Gordon
Title:	NHS Digital Chair