

Kent County Council

Caldicott Guardian Standard Operating Procedure

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Date	Changed by	Page/ paragraph	Summary of change
September 2021	Caldicott Guardian Support Officer's Group	Whole document	Revised changes to document following set up of Caldicott Guardian Support Officer's Group.
July 2022	Lauren Liddell-Young	Whole document	Updates made to ensure document is a Kent-wide document and provides key information to staff

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Introduction

This document provides the standard operating procedures for the Caldicott Guardian function, so the Caldicott Guardian principles can be applied correctly to health and social care information to be shared appropriately.

Scope

This document applies to all KCC staff and KCC teams who require to apply the Caldicott Guardian principles to processing when accessing and using social care information. The KCC teams who would most likely need to apply these principles are:

- **Adult Social Care & Health** – accessing patient information to provide support and care to individuals
- **Children, Young People and Education** – accessing patient information to provide support and care to individuals.
- **Public Health** – accessing pseudonymised information to understand population health management, the needs and demands on services, service planning, trends, themes etc.
- **Growth, Environment & Transport** (e.g., community wardens) – accessing patient information to ensure individuals remain safe.
- **Strategic Commissioning** – accessing patient information to provide support and care to individuals e.g., care homes.
- **Finance Teams** – accessing patient information to understand care package costs, provider costs, budget prediction etc.
- **Information Resilience & Transparency Team** – assisting KCC staff and KCC teams to ensure information sharing is ethical, in-line with procedures etc.

Definitions

Health or Social Care Information	Information that provides details of an individuals' health e.g., physical, mental, or social care e.g., mobility requirements
Caldicott Guardian	An individual appointed to be the conscience of the organisation to ensure the confidentiality of individuals are protected when sharing information
Caldicott Guardian principles	The eight principles are standards to ensure information is kept confidential and used appropriately.
Caldicott Guardian Support Officer	An individual appointed to provide support the Caldicott Guardian with their responsibilities
Caldicott Guardian Support Officer's Group	Operational, management and IG roles are represented to provide support to the Caldicott Guardian Support Officer and Caldicott Guardian
Caldicott Guardian Decision Log	A form to ensure any decisions made under the Caldicott Guardian responsibility, or those on his behalf, are evidenced for audit purposes
Terms of Reference	A description of the objectives, structure, roles, and responsibilities of a meeting
UK GDPR (General Data Protection Regulation) / DPA (Data Protection)	The data protection legislation that is UK law and must be followed

Caldicott Guardian Principles

The Caldicott Guardian principles are standards that ensure people's information is kept confidential and used appropriately. These protect and govern information to make sure that it is being appropriately used. There are eight Caldicott Guardian principles altogether:

- **Principle 1** – justify the purpose(s) of processing
- **Principle 2** – use confidential information only when is necessary
- **Principle 3** – use the minimum necessary confidential information
- **Principle 4** – access to confidential information should be on a strict need-to-know basis
- **Principle 5** – everyone with access to confidential information should be aware of their responsibilities
- **Principle 6** – comply with the law
- **Principle 7** – the duty to share information for individual care is important as the duty to protect patient confidentiality
- **Principle 8** – inform people about how their confidential information is used

Please see Appendix 1 for more detail on each principle.

Roles and Responsibilities

[Richard Smith](#) (Corporate Director for ASCH) is the Caldicott Guardian for KCC. The Caldicott Guardian is responsible for providing a focal point for client confidentiality and information sharing issues. The Caldicott Guardian is the conscience of the organisation and is concerned with the management of client information. This is a required role under the [guidance published by the National Data Guardian in 2021](#) and Health Service Circular: LAC (2002) 2 and in the Appendix to The Kent County Council Constitution.

[Janice Grant](#) (Assistant Director for West Kent, ASCH) is the Caldicott Guardian Support Officer for KCC. The Caldicott Guardian Support Officer is responsible for supporting the Caldicott Guardian with the above responsibilities,

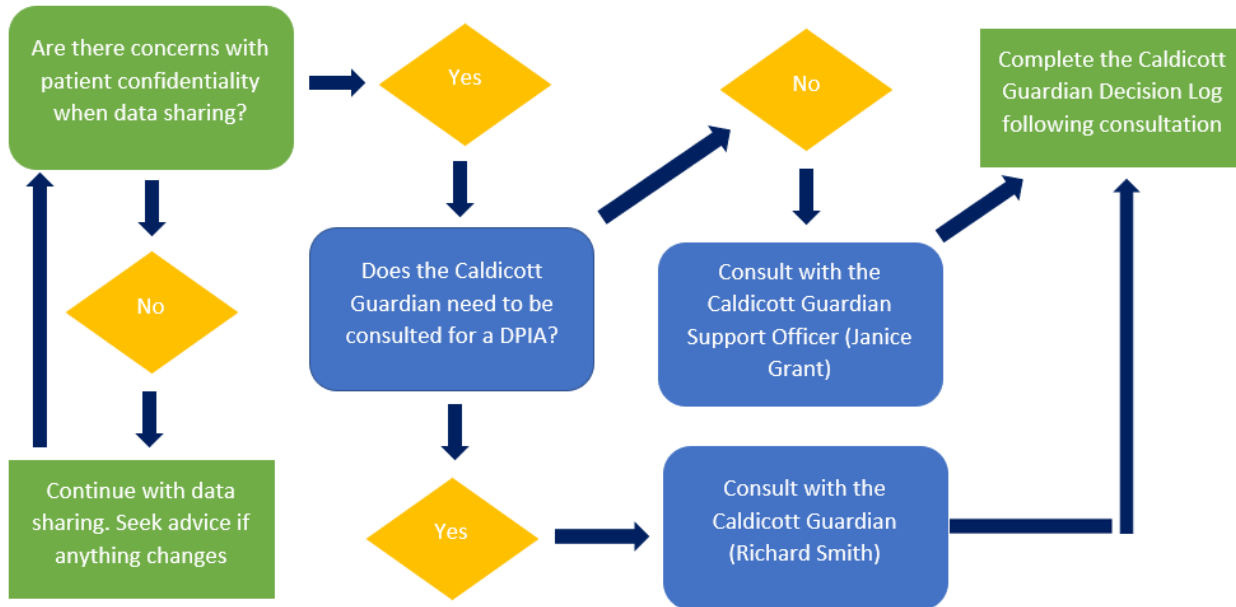
The Caldicott Guardian Support Officer's Group further supports the above two roles by ensuring that decisions are made in line with the Caldicott Guardian principles, identify common themes of issues to address and provide solutions, develop, and implement policies and procedures and raise concerns to the Caldicott Guardian and Caldicott Guardian Support Officer. Please see Appendix 2 for the Terms of Reference.

The Caldicott Guardian principles need to be applied when sharing health and social care information that is personal. Please seek advice from the Caldicott Guardian Support Officer or Caldicott Guardian and email any advice or evidence of decision made to [Lauren Liddell-Young](#) (Information Governance Lead, ASCH) and [Janice Grant](#) so the Caldicott Guardian Decision Log can be completed as record of advice and decision made.

The Caldicott Guardian Decision Log allows a record of decision to be kept on information sharing. This is used for audit purposes and provides an audit trail of key decisions made. This ensures consistency for information sharing and provides due

diligence to data protection principles under UK GDPR / DPA 2018.

The below diagram acts as guidance to determine who needs to be consulted upon for Caldicott Guardian advice and support. Contact details for the Caldicott Guardian and Caldicott Guardian Support Officer are linked above.



Examples where the Caldicott Guardian Support Officer may need to be consulted are:

- Whether to disclose information under a subject access request to an individual or someone acting on their behalf.
- Requests for access or to use ASCH information (e.g., individual, KCC employee) for analysis of service, equality impact assessment.
- Provide advice and guidance on procedures, policies to ensure in-keeping with principles and KCC governance.

Useful Links

- **Knet Caldicott Guardian page** – provides an overview of the Caldicott Guardian function (coming soon).
- [Caldicott Guardian role — UKCGC](#) – national guidance on the Caldicott Guardian function.
- [Information Governance Management Framework](#) – information on the governance structure in KCC.
- [Information Governance Knet pages](#) – information on a variety of topics e.g., DPIAs, privacy notices, subject access requests, information sharing.

Appendix 1 – Caldicott Guardian Principles

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

- Every proposed use or transfer of confidential information should be clearly defined, scrutinised, and documented, with continuing uses regularly reviewed by an appropriate guardian.

Principle 2: Use confidential information only when it is necessary

- Confidential information should not be included unless it is necessary for the specified purpose(s) for which the information is used or accessed. The need to identify individuals should be considered at each stage of satisfying the purpose(s) and alternatives used where possible.

Principle 3: Use the minimum necessary confidential information

- Where use of confidential information is considered to be necessary, each item of information must be justified so that only the minimum amount of confidential information is included as necessary for a given function.

Principle 4: Access to confidential information should be on a strict need-to-know basis

- Only those who need access to confidential information should have access to it, and then only to the items that they need to see. This may mean introducing access controls or splitting information flows where one flow is used for several purposes.

Principle 5: Everyone with access to confidential information should be aware of their responsibilities

- Action should be taken to ensure that all those handling confidential information understand their responsibilities and obligations to respect the confidentiality of patient and service users.

Principle 6: Comply with the law

- Every use of confidential information must be lawful. All those handling confidential information are responsible for ensuring that their use of and access to that information complies with legal requirements set out in statute and under the common law.

Principle 7: The duty to share information for individual care is as important as the duty to protect patient confidentiality

- Health and social care professionals should have the confidence to share confidential information in the best interests of patients and service users within the framework set out by these principles. They should be supported by the policies of their employers, regulators, and professional bodies.

Principle 8: Inform patients and service users about how their confidential

information is used

- A range of steps should be taken to ensure no surprises for patients and service users, so they can have clear expectations about how and why their confidential information is used, and what choices they have about this. These steps will vary depending on the use: as a minimum, this should include providing accessible, relevant and appropriate information - in some cases, greater engagement will be required.

Appendix 2 – Caldicott Guardian Support Officer’s Group Terms of Reference

<p>Purpose and role of the group</p>	<p>The purpose of the Caldicott Guardian Support Officer’s Group is to support the Caldicott Guardian in the discharge of the Caldicott function.</p> <p>The Caldicott Guardian is responsible for protecting the confidentiality of patient / service user information and to enable appropriate information sharing. The group will:</p> <ul style="list-style-type: none"> • Act as the conscience of the directorate and KCC where applicable • Support work to ensure appropriate information sharing • Advise on options for lawful and ethical processing of information • Support the Caldicott Guardian on the Annual Report • Ensure the right Caldicott Guardian principles are applied when sharing information. 																																
<p>Membership</p>	<p>Members of the Caldicott Guardian Support Officer’s Group are:</p> <table border="1" data-bbox="360 819 1517 1536"> <thead> <tr> <th data-bbox="360 819 746 853">Name</th> <th data-bbox="746 819 1131 853">Role</th> <th data-bbox="1131 819 1517 853">Directorate</th> </tr> </thead> <tbody> <tr> <td data-bbox="360 853 746 954">Janice Grant</td> <td data-bbox="746 853 1131 954">Assistant Director (West Kent) & Caldicott Guardian Support Officer</td> <td data-bbox="1131 853 1517 954">ASCH</td> </tr> <tr> <td data-bbox="360 954 746 1021">Lauren Liddell-Young</td> <td data-bbox="746 954 1131 1021">Information Governance Lead</td> <td data-bbox="1131 954 1517 1021">ASCH</td> </tr> <tr> <td data-bbox="360 1021 746 1088">Matt Chatfield</td> <td data-bbox="746 1021 1131 1088">Systems and Performance Manager</td> <td data-bbox="1131 1021 1517 1088">ASCH</td> </tr> <tr> <td data-bbox="360 1088 746 1155">Laura Palmer</td> <td data-bbox="746 1088 1131 1155">Business Support Manager</td> <td data-bbox="1131 1088 1517 1155">ASCH</td> </tr> <tr> <td data-bbox="360 1155 746 1223">Michael Thomas-Sam</td> <td data-bbox="746 1155 1131 1223">Strategic Business Adviser (Social Care)</td> <td data-bbox="1131 1155 1517 1223">Chief Executive’s Department</td> </tr> <tr> <td data-bbox="360 1223 746 1290">Sandra Town</td> <td data-bbox="746 1223 1131 1290">Information Governance Specialist</td> <td data-bbox="1131 1223 1517 1290">Governance & Law</td> </tr> <tr> <td data-bbox="360 1290 746 1391">Katherine Atkinson</td> <td data-bbox="746 1290 1131 1391">Assistant Director (Management Information & Intelligence)</td> <td data-bbox="1131 1290 1517 1391">CYPE</td> </tr> <tr> <td data-bbox="360 1391 746 1458">Kelly Leeson</td> <td data-bbox="746 1391 1131 1458">Information Governance Lead</td> <td data-bbox="1131 1391 1517 1458">CYPE</td> </tr> <tr> <td data-bbox="360 1458 746 1536">Mark Chamber</td> <td data-bbox="746 1458 1131 1536">Head of Health Intelligence</td> <td data-bbox="1131 1458 1517 1536">Strategic and Corporate Services</td> </tr> </tbody> </table> <p data-bbox="360 1581 938 1615">The chair will rotate on a quarterly basis.</p> <p data-bbox="360 1659 1422 1727">Representation is required from ASCH, CYPE and Public Health to ensure quorum.</p>			Name	Role	Directorate	Janice Grant	Assistant Director (West Kent) & Caldicott Guardian Support Officer	ASCH	Lauren Liddell-Young	Information Governance Lead	ASCH	Matt Chatfield	Systems and Performance Manager	ASCH	Laura Palmer	Business Support Manager	ASCH	Michael Thomas-Sam	Strategic Business Adviser (Social Care)	Chief Executive’s Department	Sandra Town	Information Governance Specialist	Governance & Law	Katherine Atkinson	Assistant Director (Management Information & Intelligence)	CYPE	Kelly Leeson	Information Governance Lead	CYPE	Mark Chamber	Head of Health Intelligence	Strategic and Corporate Services
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Accountability	<p>The Caldicott Guardian Support Officer's Group report to the Caldicott Guardian (Richard Smith, Corporate Director for ASCH).</p> <p>The Caldicott Guardian Support Officer's Group will also assist the Caldicott Guardian to report annually (via the Annual Report) to the Corporate Information Governance Group.</p>
Working Methods	<p>The Caldicott Guardian Support Officer's Group will meet on a quarterly basis to discuss:</p> <ul style="list-style-type: none"> • Issues and provide solutions regarding standard operating procedures. • Resolve issues regarding DPIAs submitted for projects under the PMO. • Review any data breaches which meet the criteria of serious incidents requiring investigation • Consider incidents to identify common themes which may inform future projects and activity within the Divisions. • Discuss and ensure implementation of relevant actions from the IGCDWG. • Develop a Caldicott function action plan as necessary.