



WARNING: Your System details are incomplete and so the content of this policy may not be customised to your organisation.

Review Sheet		
Last Reviewed 07 Dec '22	Last Amended 07 Dec '22	Next Planned Review in 12 months, or sooner as required.
Business impact	<p>MEDIUM IMPACT</p> <p>Changes are important, but urgent implementation is not required, incorporate into your existing workflow.</p>	
Reason for this review	New Policy	
Were changes made?	Yes	
Summary:	New: All health and adult social care bodies in England must have a Caldicott Guardian in place by 30 June 2023. This new policy defines what the Caldicott Principles are and the roles and responsibilities that will be carried out by a Caldicott Guardian. Underpinning Knowledge and Further Reading links and resources will be useful to providers seeking further information. Please note that a new section has been added to your system details questionnaire requiring you to provide the name of your Caldicott Guardian. Please complete this section.	
Relevant legislation:	<ul style="list-style-type: none"> • The Health and Social Care (National Data Guardian) Act 2018 • The Computer Misuse Act 1990 • Access to Medical Reports Act 1988 • Freedom of Information Act 2000 • Health and Social Care Act 2008 (Registration and Regulated Activities) (Amendment) Regulations 2015 • Human Rights Act 1998 • Mental Capacity Act 2005 • Mental Capacity Act Code of Practice • Safeguarding Vulnerable Groups Act 2006 • Access to Health Records Act 1990 • Data Protection Act 2018 • UK GDPR 	
Underpinning knowledge - What have we used to ensure that the policy is current:	<ul style="list-style-type: none"> • Author: United Kingdom Caldicott Guardian Council, (2022), <i>United Kingdom Caldicott Guardian Council Information and Resources</i>. [Online] Available from: https://www.ukcgcg.uk/ [Accessed: 7/12/2022] • Author: National Data Guardian, (2022), <i>National Data Guardian guidance on the appointment of Caldicott Guardians, their role and responsibilities</i>. [Online] Available from: https://www.gov.uk/government/publications/national-data-guardian-guidance-on-the-appointment-of-caldicott-guardians-their-role-and-responsibilities [Accessed: 7/12/2022] • Author: GOV.UK, (2018), <i>Health and Social Care (National Data Guardian) Act 2018</i>. [Online] Available from: https://www.legislation.gov.uk/ukpga/2018/31/contents/enacted [Accessed: 7/12/2022] • Author: GOV.UK, (2022), <i>National Data Guardian</i>. [Online] Available from: https://www.gov.uk/government/organisations/national-data-guardian#:~:text=The%20National%20Data%20Guardian%20(NDG,of%20Health%20and%20Social%20Care. [Accessed: 7/12/2022] • Author: Information Commissioner's Office, (2022), <i>About the ICO</i>. [Online] Available from: https://ico.org.uk/ [Accessed: 7/12/2022] 	
Suggested action:	<ul style="list-style-type: none"> • Ensure the policy is discussed in planned supervision sessions with relevant staff • Encourage sharing the policy through the use of the QCS App • Ensure relevant staff are aware of the content of the whole policy 	

This document is uncontrolled once printed, see your online system



WARNING: Your System details are incomplete and so the content of this policy may not be customised to your organisation.

Equality Impact Assessment:

QCS have undertaken an equality analysis during the review of this policy. This statement is a written record that demonstrates that we have shown due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations with respect to the characteristics protected by equality law.

This document is uncontrolled once printed, see your online system



WARNING: Your System details are incomplete and so the content of this policy may not be customised to your organisation.



1. Purpose

1.1 This policy aims to give guidance specific to the appointment, roles and responsibilities of a Caldicott Guardian at Master Care Ltd.

1.2 This policy seeks to ensure that staff at Master Care Ltd understand the Caldicott Principles and the role of the Caldicott Guardian.

1.3 The policy dovetails with UK GDPR, data protection policies and procedures at Master Care Ltd such as:

- | The Data Protection and Confidentiality Policy and Procedure
- | The Data Security and Protection Toolkit (DSPT) Policy and Procedure
- | The Archiving, Disposal and Storage of Records Policy and Procedure

Other policies of Master Care Ltd may be affected by this policy.

1.4 To support Master Care Ltd in meeting the following Key Lines of Enquiry:

Key Question

Key Lines of Enquiry

EFFECTIVE	E7: Is consent to care and treatment always sought in line with legislation and guidance?
SAFE	S2: How are risks to people assessed and their safety monitored and managed so they are supported to stay safe and their freedom is respected?

1.5 To meet the legal requirements of the regulated activities that {Master Care Ltd} is registered to provide:

- | The Health and Social Care (National Data Guardian) Act 2018
- | The Computer Misuse Act 1990
- | Access to Medical Reports Act 1988
- | Freedom of Information Act 2000
- | Health and Social Care Act 2008 (Registration and Regulated Activities) (Amendment) Regulations 2015
- | Human Rights Act 1998
- | Mental Capacity Act 2005
- | Mental Capacity Act Code of Practice
- | Safeguarding Vulnerable Groups Act 2006
- | Access to Health Records Act 1990
- | Data Protection Act 2018
- | UK GDPR

This document is uncontrolled once printed, see your online system



WARNING: Your System details are incomplete and so the content of this policy may not be customised to your organisation.



2. Scope

2.1 The following roles may be affected by this policy:

- | All staff
- | Registered Manager
- | Other management
- | Caldicott Guardian

2.2 The following Service Users may be affected by this policy:

- | Service Users

2.3 The following stakeholders may be affected by this policy:

- | Family
- | Advocates
- | Representatives
- | Commissioners
- | External health professionals
- | Local Authority
- | NHS



3. Objectives

3.1 To ensure that the appointed Caldicott Guardian safeguards the integrity, confidentiality and availability of sensitive information held by Master Care Ltd.

3.2 To ensure that the sharing of any person identifiable information is done so following UK GDPR, data protection policies and procedures at Master Care Ltd.

3.3 To ensure that no person identifiable information is shared unless approved by Master Care Ltd.

3.4 To ensure that all person identifiable information held by Master Care Ltd is managed in line with legal requirements and best practice principles.

This information can be in a number of formats and includes:

- | Information stored on computers
- | Information transmitted across networks
- | Printed information or information stored on paper
- | Spoken or recorded information



WARNING: Your System details are incomplete and so the content of this policy may not be customised to your organisation.



4. Policy

4.1 National Data Guardian (NDG) Guidance

The [National Data Guardian guidance](#) applies to all public bodies within the health service, adult social care or adult carer support sector in England that handle confidential information about Service Users. This also includes organisations contracted by public bodies to deliver health or adult social care services that handle such information.

As a result, Master Care Ltd falls under this guidance and seeks to comply with its recommendations.

4.2 Appointing a Caldicott Guardian

In line with National Data Guardian guidance, Master Care Ltd will be compliant with the guidance by 30 June 2023. This includes registering the details of an appointed Caldicott Guardian on the [Caldicott Guardian Register](#).

Where an organisation is required to complete the [Data Security and Protection Toolkit \(DSPT\)](#), the DSPT requires that it will provide details about its Caldicott Guardian(s) as part of its annual submission.

4.3 Appointment of the Caldicott Guardian

Master Care Ltd will make a business decision in order to meet the requirements as set out in the NDG guidance and will consider the options fully before appointing a Caldicott Guardian.

The options available to Master Care Ltd are:

- 1 Master Care Ltd appoints its own Caldicott Guardian
- 1 The appointment of a Deputy Caldicott Guardian, such as the Registered Manager
- 1 Sharing a Caldicott Guardian with one or more other organisations
- 1 The commissioning bodies who contract Master Care Ltd may agree that their organisation's Caldicott Guardian would be available to provide advice

If Master Care Ltd chooses not to appoint its own Caldicott Guardian, the rationale for this decision will be officially recorded within the organisation's quality assurance, governance process and detailed in the appropriate policies and procedures.

Any decision for Master Care Ltd not to appoint its own Caldicott Guardian will be subject to annual review by .

4.4 The Eight Caldicott Principles [as defined by the UK Caldicott Guardian Council](#)

Good information sharing is essential for providing safe and effective care and support.

There are also important uses of information for purposes other than individual care and support, which contribute to the overall delivery of health and social care or serve wider public interests.

These principles apply to the use of confidential information within health and social care organisations, and when such information is shared with other organisations and between individuals, both for individual care and support and for other purposes.

The principles are intended to apply to all data collected for the provision of health and social care services where Service Users can be identified and would expect that it will be kept private. This may include, for instance, details about symptoms, diagnosis, treatment, names and addresses.

In some instances, the principles will also be applied to the processing of staff information.

They are primarily intended to guide organisations and their staff, but it must be remembered that Service Users and/or their representatives must be included as active partners in the use of confidential information. Where an unusual or difficult judgement or decision is required, it is advisable to involve the Caldicott Guardian.

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

Every proposed use or transfer of confidential information must 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 must 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 must be considered at each stage of satisfying the purpose(s) and alternatives used where possible.

Principle 3: Use the minimum necessary confidential information

Where the 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 must be on a strict need-to-know basis

This document is uncontrolled once printed, see your online system



WARNING: Your System details are incomplete and so the content of this policy may not be customised to your organisation.

Only those who need access to confidential information must 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 must be aware of their responsibilities

Action must be taken to ensure that all those handling confidential information understand their responsibilities and obligations to respect the confidentiality of 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 Service User confidentiality

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

Principle 8: Inform Service Users about how their confidential information is used

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



WARNING: Your System details are incomplete and so the content of this policy may not be customised to your organisation.



5. Procedure

5.1 Caldicott Guardian Registration

Master Care Ltd will ensure that the appointed Caldicott Guardian's details will be recorded and kept up to date on the [Caldicott Guardian Register](#).

This will be the case for any internal or external appointment.

5.2 Roles and Responsibilities of the Caldicott Guardian

Master Care Ltd follows the guidance on roles and responsibilities issued by the [National Data Guardian](#). Supported by Master Care Ltd, the Caldicott Guardian will:

- | Ensure confidential information about Service Users is used ethically, legally, and appropriately
- | Provide organisational leadership and informed advice on complex matters involving the use and sharing of Service User confidential information, especially in situations where there may be areas of legal and/or ethical ambiguity
- | Be the lead role ensuring that Master Care Ltd satisfies the highest ethical and legal standards for processing Service User confidential information. Their main concern is confidential information relating to Service Users and their Care. However, in some circumstances, the Caldicott Guardian's judgement may also be needed in relation to the use of information about other individuals, such as staff or relatives of Service Users
- | Be required to support staff at Master Care Ltd in a number of operational areas. They may include:
 - | Advising on disclosures of confidential information, in particular, whether they can be made in line with the common law duty of confidentiality
 - | Involvement with Service User complaints
 - | Reviewing and advising on data protection impact assessments, data sharing agreements, and instructions to data processors working in partnership with the ,
 - | Involvement in audit reporting or recommendations
 - | Involvement in data breach investigations in partnership with the ,
- | Promote the Caldicott Principles and good information governance throughout Master Care Ltd, using the Principles to encourage and facilitate decisions in the best interests of Service Users and their care and support
- | Ensure that information sharing is safe and effective, in line with the seventh Caldicott Principle (see section 4.4)
- | Uphold the Caldicott Principles, ensuring at all times that Master Care Ltd uses and shares information in line with the common law duty of confidentiality, data protection law and human rights

In addition to the Caldicott Principles, the Caldicott Guardian must also take account of the codes of conduct provided by professional bodies.

5.3 Other Key Organisational Roles

The role of the Caldicott Guardian may overlap with other organisational processes, roles and responsibilities. Whether the role is an internal or external appointment, they will be required to work in partnership (where appropriate and required to do so) with additional roles held within Master Care Ltd such as:

- | Head of Information Governance
- | Chief Clinical Information Officer
- | Chief Information Security Officer
- | Senior Information Risk Owner (SIRO)
- | Data Protection Officer (DPO)

The input of the appointed Caldicott Guardian may be required at meetings such as:

- | Clinical multidisciplinary teams
- | Clinical governance teams
- | Information management and technology teams
- | Safeguarding teams

This document is uncontrolled once printed, see your online system



WARNING: Your System details are incomplete and so the content of this policy may not be customised to your organisation.

- | Health and social care external agencies and the police

5.4 Learning and Development

The UK Caldicott Guardian Council (UKCGC) [online manual for Caldicott Guardians](#) is intended to be a starting point for newly-appointed Caldicott Guardians, a refresher for the more experienced Caldicott Guardian, and a source of information for professional development and support.

Master Care Ltd accepts the importance and complexity of the role of Caldicott Guardians and the requirements for specialist training to support the post holder.

Regular supervision will be in place to enable staff to reflect on the roles and responsibilities carried out.

Master Care Ltd will ensure that annual review and personal development plans will be in place to support and identify any training and support needs that may be required to ensure the post holder has the required knowledge and skills to carry out their duties in line with regulatory requirements.

The Caldicott Guardian may also require additional training and support with the Data Security and Protection Toolkit (DSPT), if required.

5.5 Accountability and Audit

The Caldicott Guardian will:

- | Be provided with the time and autonomy by Master Care Ltd to carry out the role and to make decisions and judgements on matters of confidentiality, sharing information and disclosure
- | Be responsible for keeping appropriate records of actions and advice given
- | Attend appropriate governance and where required, board level meetings, both to feedback on work undertaken and to produce an annual report detailing any actions taken and required as well as ongoing, continuous improvements in the data protection processes at Master Care Ltd
- | Have access to appropriate senior management advice and support to access legal frameworks where decisions may be beyond the scope of the Caldicott Guardian



6. Definitions

6.1 Caldicott Guardian

- | They play a vital role in ensuring that health and social care data is used responsibly to support the delivery of better care and support
- | Caldicott Guardians are senior people who act on behalf of Master Care Ltd and who protect the confidentiality of people's information by considering the ethical and legal aspects of data sharing

6.2 Information Commissioner's Office (ICO)

- | The UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals

6.3 UK General Data Protection Regulation

- | The GDPR is retained in domestic law as the 'UK GDPR' and sits alongside an amended version of the DPA 2018
- | Is the UK version of the EU General Data Protection Regulation. UK GDPR currently applies to processing of personal data

6.4 Identifiable Information

- | Service User identifiable information can take many forms and can be stored on computers, transmitted across networks, printed or stored on paper, spoken or recorded

6.5 The Caldicott Report

- | The Caldicott Report was commissioned in December 1997 by the Chief Medical Officer of England owing to increasing concern about the ways in which patient information was used in the NHS in England and Wales and the need to ensure that confidentiality was not undermined

6.6 The Data Protection Act

- | The Data Protection Act 2018 controls how your personal information is used by organisations, businesses or the Government
- | The Data Protection Act 2018 is the UK's implementation of the General Data Protection Regulation (UK GDPR)

This document is uncontrolled once printed, see your online system



WARNING: Your System details are incomplete and so the content of this policy may not be customised to your organisation.



Key Facts - Professionals

Professionals providing this service should be aware of the following:

- Individuals can only access Service Users' personal identifiable information if the Caldicott Guardian or Service User says they can or if they have to as a result of due legal process
- The sharing of information without a Service User's consent if there is a risk of serious harm to a Service User or other, or there is a risk of a serious crime, is done following approval from the Caldicott Guardian
- The Caldicott Guardian ensures that any information shared by Master Care Ltd is necessary for the purpose of sharing it, is shared only with those people who need to have it, is accurate and up to date, is shared in a timely fashion, and is shared securely and in line with the Caldicott Principles
- The Caldicott Guardian ensures that the information obtained by Master Care Ltd is necessary, proportionate, relevant, accurate, timely and secure



Key Facts - People affected by the service

People affected by this service should be aware of the following:

- You have a right to confidentiality and the privacy of your information. However, staff may have to share information about you in your best interests
- If you are unable to consent to share information because you lack mental capacity, staff will need to follow the Mental Capacity Act Code of Practice
- The Caldicott Guardian at Master Care Ltd will ensure your rights are protected and that Master Care Ltd follows the correct legal frameworks
- Where possible, staff will obtain your consent to share information about you. Where this is not possible, Master Care Ltd will follow policies and procedures in order to protect your rights



Further Reading

As well as the information in the 'underpinning knowledge' section of the review sheet we recommend that you add to your understanding in this policy area by considering the following materials:

The UK Caldicott Guardian Council - E-learning Programme:

<https://www.ukcgc.uk/news/new-sessions-go-live-in-caldicott-guardian-elearning-programme>

The UK Caldicott Guardian Council - A Manual for Caldicott Guardians:

<https://www.ukcgc.uk/caldicott-guardians-manual>

QCS Blog - New Caldicott Guardians eLearning Resources Released:

<https://www.qcs.co.uk/new-caldicott-guardians-elearning-resources-released/>



Outstanding Practice

To be 'outstanding' in this policy area you could provide evidence that:

- Master Care Ltd has a Caldicott Guardian in place to ensure the Caldicott Principles are followed
- Staff are registered as Dignity Champions and can evidence that they follow the 'Dignity Dos'
- Robust systems and governance processes ensure that staff's and Service Users' personal identifiable information is protected at all times
- Service Users' privacy needs and expectations are identified, recorded, and met as far as is reasonably possible
- The wide understanding of the policy is enabled by proactive use of the QCS App

This document is uncontrolled once printed, see your online system



WARNING: Your System details are incomplete and so the content of this policy may not be customised to your organisation.



Forms

The following forms are included as part of this policy:

Title of form	When would the form be used?	Created by
Caldicott Guardian - AC35	To identify who the nominated Caldicott Guardian is	QCS

This document is uncontrolled once printed, see your online system

Master Care Ltd

WARNING: Your System details are incomplete and so the content of this policy may not be customised to your organisation.

Caldicott Guardians are senior people who act on behalf of Master Care Ltd and who protect the confidentiality of people's information by considering the ethical and legal aspects of data sharing.

They play a vital role in ensuring that health and social care data is used responsibly to support the delivery of better care and support.

The Caldicott Guardian at Master Care Ltd is .