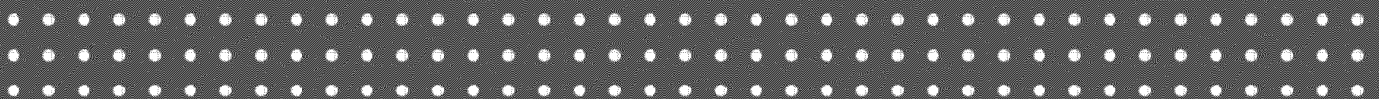


# UKCGC Constitution

## 2021–2024

*UKCGC provides support for Caldicott Guardians and others fulfilling the Caldicott function within their organisation.*



# UK Caldicott Guardian Council

The United Kingdom Caldicott Guardian Council (UKCGC) is an independent council, which is a sub-committee of the National Data Guardian's Panel<sup>1</sup>.

It is the definitive national body for Caldicott Guardians, providing support, best practice advice and guidance for all Caldicott Guardians. The council does not act or operate as a professional regulatory body.

The council will also support all professionals across health and care organisations who have a responsibility to implement and uphold the Caldicott Principles.

## Aims

The aims of the council are to:

- be a recognised point of contact for all Caldicott Guardians and health and care organisations seeking advice on the Caldicott Principles
- be a key channel of communication, facilitating the exchange of information, views and experience amongst all Caldicott Guardians
- promote consistent standards and training for all Caldicott Guardians
- support the formulation of best practice guidance and policies relating to the Caldicott Principles

## Principles

The council's aims will be enacted through the three core principles of:

1. engaging with, and providing leadership and support to, Caldicott Guardians
2. developing the knowledge and skills of Caldicott Guardians
3. being proactive in engaging in the development of new technologies and working practices to assist Caldicott Guardians in their work

## Membership

Members of the council are expected to be Caldicott Guardians (with some limited exceptions by agreement), or part of the Caldicott function within organisations e.g. Deputy Caldicott Guardians.

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<sup>1</sup> [About us - National Data Guardian - GOV.UK \(www.gov.uk\)](https://www.gov.uk/about-us-national-data-guardian)

# Composition

In order to be representative of the constituent countries of the United Kingdom, the council will include a Caldicott Guardian from Scotland and Wales and a Personal Data Guardian from Northern Ireland.

Council members attend UKCGC meetings in a personal or professional capacity and do not represent their employer organisations. However, to reflect the key groups across health and care, and to be able to operate effectively, the council will aim to have approximately twenty members, drawing its membership from the following:

- acute hospital providers
- primary care providers
- ambulance services
- local authorities
- social care providers
- mental health providers
- independent health and care providers
- commissioners
- home countries
- arm's length bodies
- voluntary sector
- other health and care organisations with a Caldicott Guardian function

Council membership runs for a three-year term and members can be reappointed, but it is subject to an annual review. An individual's circumstances may change, as may the UKCGC's need for a certain type of expertise.

Membership of council is predominantly based on interest and enthusiasm. The secretariat receives many expressions of interest from Caldicott Guardians across health and care who are interested in attending meetings and becoming involved in the UKCGC's work. Where Caldicott Guardians frequently register to attend meetings as an observer, this can often lead to a conversation about joining the council. The chair of the UKCGC may also approach Caldicott Guardians directly about membership, to fill specific gaps in expertise or experience.

To ensure that any organisation is able to bring issues to the council for advice and guidance, an "open door" policy will be operated by the council secretariat. The council will also invite key stakeholders and experts to join meetings, as and when required.

## Chair and vice-chair

One member of the council will be appointed as the chair and another as the vice chair. They will be Caldicott Guardians at the time of appointment and will serve for three years. They will not normally be reappointed but will be eligible for appointment to other posts.

The appointment of the chair, vice-chair and all members will be undertaken in an open and transparent manner, via an application and interview process run by the Office of the National Data Guardian. The interview panel will consist of the current UKCGC chair, the National Data Guardian, and members of the UKCGC and NDG's Panel. The outcome will be based on the individual's knowledge and experience, and the contribution they are able to make to the work of the council.

## Links to the National Data Guardian

A member of the council will be asked to attend meetings of the National Data Guardian's Panel. Members will be asked to attend on a rotational basis, or where they have been leading on a particular issue which is of interest to the National Data Guardian (NDG). The UKCGC will provide regular progress reports to the NDG, and will also report on specific items on an exception basis or when requested by the NDG.

The Office of the National Data Guardian will provide secretariat support to the UKCGC. The level of this support will be agreed, and reviewed on an ongoing basis, by the UKCGC Chair and the Head of the Office of the NDG.

Funding for the UKCGC will be provided by the Department of Health and Social Care to a level that is agreed and overseen by the Office of the National Data Guardian.

## General responsibilities of council members

The council is responsible for:

- providing advice and expertise – both in and outside of council meetings – to the UKCGC
- raising any items or issues relevant to UKCGC business with the Chair and members of the council.
- contributing to bimonthly council meetings
- attending ad hoc meetings with, or on behalf of, the UKCGC
- representing the UKCGC on boards, panels or other groups
- speaking on behalf of the UKCGC at events
- completing assigned actions or agreed tasks on time
- helping the UKCGC to maintain key relationships, such as those with the Department of Health and Social Care, arm's length bodies, regulators, professional bodies, and patient advocacy groups

## **Attendance at council meetings**

Contributing to council discussions is the primary way in which its members support the UKCGC. As such, it is expected that every effort will be made to attend the bimonthly council meetings. The dates and times of the meetings are provided around a year ahead.

Council meetings provides the UKCGC with the opportunity to discuss internal matters, or to welcome external guests to talk about their data initiatives and any other relevant matters.

It is important to note that the council is not an approvals board. Its purpose is to guide, challenge and scrutinise the work of those whose work could have a bearing on public trust in the system and the role of the Caldicott Guardian.

An agenda and papers will be issued to council members approximately a week before the bimonthly council meeting, which they will be expected to read in advance to aid informed discussions with guests and each other. A summary of the meetings will be published on the UKCGC website. Actions arising will be tracked as a standing item on the agenda.

Council meetings are chaired by the UKCGC Chair. If the chair is unavailable, the vice chair will deputise on their behalf.

## **Providing guidance between Council meetings**

Council members may be asked to review documents or comment or advise on matters that arise between meetings, wherever their workloads allow. This is usually via email or telephone, and usually facilitated by the secretariat.

The secretariat always endeavours to provide council members with a reasonable amount of time to respond to requests, but sometimes the deadline may be short due to external dependencies.

On average, council members are asked to contribute in this way 2–3 times a month, although this varies due to external demands. It is understood that council members will not always be able to respond, due to other commitments they may have.

## **Representing the UKCGC at external meetings**

Council members may be asked to represent the UKCGC at external meetings if the Chair is unavailable or if their specific expertise will be beneficial. This could include regular membership of national boards, panels, and special interest working groups, or one-off meetings.

Council members will be expected to write a short note following these meetings, highlighting points of interest or concern and any actions they have committed to. These are usually circulated to the council unless they cannot be for reasons of confidentiality.

## **Code of conduct**

Service as a council member is not classed as civil service or a public appointment. However, the council will be expected to comply with the Standards in Public Life<sup>2</sup> (also known as the *Nolan Principles*), which civil servants and public appointees follow as a code of good conduct. These are:

### **Selflessness**

Holders of public office should act solely in terms of the public interest.

### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### **Honesty**

Holders of public office should be truthful.

### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

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

## Declaration of interests

Conflicts of interest must be declared and managed in a proportionate way without impeding the routine business of the council, and in a manner that ensures all decisions made by the council are free from any vested interest of its members. At the same time, it is recognised that members have views and knowledge that provide value and expertise to the council, and this should not be unnecessarily inhibited.

A conflict of interest can be:

- **financial relationship** – by virtue of a contract of employment, consultancy, recipient of fees or shareholding in a business
- **working relationship** – gain or advantage in terms of institutional or professional reputation from a decision
- **personal relationship** – spouse or close relative involved in a matter under consideration

Members are required to complete a *Declaration of Interests* form and to notify the secretariat of any changes as and when they occur. The secretariat maintains a register of interests.

The following actions can be taken in proportion to the degree of conflict:

- withdrawal of the member for the duration of discussion on the point on the agenda in question. This should be viewed as an exceptional option in the case of a direct conflict
- following declaration, continued participation and contribution to the discussion but no participation in the ultimate decision
- following declaration, normal participation in the discussion and the ultimate decision for an indirect conflict with little risk or impact

The chair will decide the action to be taken, which will be recorded in the meeting minutes. Should the chair be in conflict then one of the members will be asked to deputise for the chair in relation to the decision.

## Remuneration

Council members can be remunerated for work packages undertaken on behalf of the UKCGC in line with the Department of Health and Social Care framework for contractors and associated daily rate.

### Travel expenses

Where an overnight stay is required, the office can book a hotel for council members or reimburse for hotels. Hotel costs will be covered up to maximum of £115.00 per night inside London and up to £80.00 per night outside London. Members may claim reasonable

receipted rail and air expenses as agreed. Taxis may be used, if necessary, for local journeys only and must be receipted. Where a car is used, you will be reimbursed at the single rate of 45p per mile.

### **How to submit claims**

Upon starting their term, council members will be asked to fill in a form to register their payment details with the Department of Health and Social Care (DHSC) for the purpose of making claims and receiving payment. Council members send claims to the Office of the National Data Guardian, which checks and submits them to the DHSC for payment.