
25 August, 2020

HCPC response to the National Data Guardian for health and social care's consultation about revising, expanding and upholding the Caldicott Principles

1. Response to the consultation

Question 5: Do you agree that the NDG should introduce the new proposed principle (number 8 in the list above)?

Agree

Registrants with the HCPC are required to practise in a way which meets our standards in general as well as the standards of proficiency set out for their profession.

Our Standards of conduct, performance and ethics mention confidentiality specifically in Standard 5. In addition, Standard 1 ('promote and protect the interests of service users and carers') and Standard 2 ('communicate appropriately and effectively') make clear the HCPC's focus on informed and collaborative health and care. We would therefore expect registrants to consider service users' expectations and ensure that there are 'no surprises' regarding how their information is used. We also emphasise the importance of service user involvement throughout our standards, and are keen to emphasise to registrants that they should be moving away from a paternalistic model of healthcare.

Our guidance on confidentiality currently requires registrants to secure the express consent of service users where registrants plan to use confidential information in ways the service user may not reasonably have expected. We also expect registrants to keep detailed records of, among other matters, their ongoing discussions with service users about confidentiality and how their information is being used.

The Caldicott Principles and Principle 8 in particular align with ongoing work from the HCPC to update our Standards of Proficiency. One focus in our current review of the HCPC Standards of Proficiency, is to further advance a model of health and care which centres the service user and their experiences and which moves away from paternalistic models of care.

While we know that the updates to the Principles are not linked to COVID-19, our own experiences with registrants during the pandemic have informed our responses here. Earlier in 2020 we developed web content to help registrants interpret our Standards of conduct, performance and ethics in light of the unprecedented crisis they were working in. We believe that having a firm set of principles which guide the

way registrants work with confidential information has been key in ensuring that, even in these unusual circumstances, registrants know what is expected of them.

Our guidance on confidentiality, along with our Standards, highlights the HCPC's expectation that registrants work with service users and carers to ensure that all stakeholders know how their privacy will be protected and we therefore support the inclusion of the 8th principle.

Question 6: Do you agree that the revised Caldicott Principles are a useful tool to help ensure that confidential information about patients and service users is used appropriately?

Agree

We agree that the Caldicott Principles play an important role in clarifying the expectations placed on health and care professionals and in informing service users and carers about the importance of the confidentiality of their information.

Question 7: Do you agree with the NDG's proposal to issue guidance that all public bodies within the health and adult social care sector in England, and all organisations which contract with such public bodies to deliver health or adult social care services, should have a Caldicott Guardian?

Agree

We are generally supportive of this approach. As our registrants work across a range of different settings, we believe it would be valuable for them to have access to Caldicott Guardians.

Question 8: What issues should NDG guidance about Caldicott Guardians cover? Please select all that apply?

- Role and responsibilities
- Competencies and knowledge required
- Training and continuous professional development
- Relationships to other key roles eg Data Protection Officer
- Accountability
- The types of organisations that should be appointing dedicated Caldicott Guardians
- How small organisations could arrange a Caldicott function where it's not proportionate to have their own Caldicott Guardian
- Other (please use text box below to tell us)
- Other Comments

We believe it would be valuable to our registrants to cover all of these issues. The intelligence we gather suggests that registrants appreciate guidance which provides clarity about their expectations when they work in more than one setting (for example, as an employee of a private practise and for the NHS) as well as how their obligations to confidentiality interact with other obligations like information sharing and collaboration.

9. What additional support would be necessary to help implementation of the guidance?

- Training for Caldicott Guardians
- Information/training for senior staff/boards on the role of Caldicott Guardians
- Peer-to-peer support for Caldicott Guardians
- Other (please use text box below to tell us)
- Other
- Other Comments

We believe it would be valuable to our registrants to cover all of these issues. The intelligence we gather from fielding questions on confidentiality from registrants, indicates that registrants appreciate being able to consult FAQs and case studies which cover complicated scenarios.