

DRAFT FOR CONSULTATION

National Data Guardian survey (Dec 2019- Feb 2020) on information sharing to support direct care

Key request from survey: "to provide a simple decision-support algorithm designed to help front-line health and care clinicians decide whether or not an activity can be described as direct care"

Direct care - draft decision support tool (test specification)				
	Question	Answer	Action	Help / links
1	Is this research?	Yes	Stop	Present user with link to HRA tools https://www.hra.nhs.uk/planning-and-improving-research/research-planning/access-study-support-advice-services/
		No	Go to 2	
2	Is this audit?	Yes	Go to 3	Present user with clinical audit support centre info-graphic and formal NHSE definition https://www.england.nhs.uk/clinaudit/ http://www.clinicalauditsupport.com/what-is-clinical-audit.html https://www.clinicalauditsupport.com/download/ca/DocB.pdf
		No	Go to 4	
3	Is audit local?	Yes	Stop	The audit and its data involve one Provider or several providers in a local area when a care pathway involving multiple providers is being commissioned as a whole and each clinical team are participating in the audit and taking full responsibility for their component part. This may be Direct Care subject to meeting the conditions set out in: https://www.gmc-uk.org/ethical-guidance/learning-materials/disclosure-for-local-clinical-audit
		No	Stop	This is NOT direct care - it is a national or regional audit and requires a different legal basis to meet the common law duty of confidentiality
4	Is this national screening?	Yes	Stop	Activities to undertake national screening are classed as a type of direct care. If the activity is national screening, it will have been approved by the UK National Screening Committee (UK NSC) https://legacyscreening.phe.org.uk/screening-recommendations.php UK NSC advises ministers and the NHS in the 4 UK countries about all aspects of population screening and supports implementation of national screening programmes https://www.gov.uk/government/groups/uk-national-screening-committee-uk-nsc
		No	Go to 5	
5	Is this personal care of a named individual (s)	Yes	Stop	Conditions to be met: There is a named health or social care professional* with a license to practice (or equivalent) from their regulatory body and a legitimate relationship for care with the named patient(s)/ service user(s) and they are responsible for data processing to support an activity within the scope of their professional practice. https://www.gov.uk/government/publications/the-information-governance-review *(See pages 39-41 of the Information Governance Review) You have a reasonable basis for having met the common law duty of confidentiality
		No	Stop	You do not have a reasonable basis for having met the common law duty of confidence and will need to identify an alternative basis https://www.ukcgic.uk/manual/confidentiality