



Health Research Authority

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14 January 2021

Tamatha Webster
CQC Survey Manager
151 Buckingham Palace Road
London
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Dear Ms Webster,

Application title: Community Mental Health Survey 2021
CAG reference: 20/CAG/0155

Thank you for your amendment request to the above non-research application, submitted for support under Regulation 5 of the Health Service (Control of Patient Information) Regulations 2002 to process confidential patient information without consent. Supported applications enable the data controller to provide specified information to the applicant for the purposes of the relevant activity, without being in breach of the common law duty of confidentiality, although other relevant legislative provisions will still be applicable.

The role of the Confidentiality Advisory Group (CAG) is to review applications submitted under these Regulations and to provide advice to the Secretary of State for Health and Social Care on whether an application should be supported, and if so, any relevant conditions.

Secretary of State for Health and Social Care support decision

The Secretary of State for Health and Social Care, having considered the advice from the Confidentiality Advice Team (CAT) as set out below, has determined the following:

The amendment, to include in the sample all service users who received care and treatment by telephone, regardless of whether this was a replacement for face to face contact, is supported, subject to compliance with the standard conditions of support.

Amendment request

This non-research application from Picker, on behalf of the Care Quality Commission, set out the purpose of administering the 2021 Community Mental Health Survey. Support is currently in place to include as part of the sample patients who have had a telephone call as a contact. However, Trusts were given instructions not to include service users who would have only ever had telephone appointments regardless of the COVID-19 pandemic.

This amendment sought support to include in the sample all service users who received care and treatment by telephone, regardless of whether this was a replacement for face to face contact. The decision to amend the sampling criteria for the 2021 survey resulted from feedback raised by Community Mental Health Trusts. The amendment will enable Trusts to be able to draw their sample correctly without overburdening staff, and also ensure that the survey is able to provide longitudinal

data moving forwards, given that the current changes to service provision are likely to remain in place for the foreseeable future; Feedback from Trusts shows that due to the success of implementing telephone and video calls as a usual contact method, it is likely that these methods of contact are to remain in place.

Confidentiality Advice Team advice

The amendment requested was considered by the Confidentiality Advice Team. The application had been recently reviewed by the CAG members and supported, and the sample size is not increased. The CAT team raised no queries regarding this amendment.

Confidentiality Advice Team conclusion

In line with the considerations above, the CAT agreed that the minimum criteria under the Regulations appeared to have been met for this amendment, and therefore advised recommending support to the Secretary of State for Health and Social Care.

Specific conditions of support

1. Continual achievement of 'Standards Met' in relation to the relevant DSPT submission (or any future security assurance changes) for the duration of support. Evidence to be provided (through NHS Digital confirmation they have reviewed and confirmed the DSPT submission as standards met' for the duration of support, and at time of each annual review.

Confirmed: The NHS Digital **2019/20** DSPT submission for **Patient Perspective, Quality Health and Picker Institute Europe** were confirmed as '**Standards Met**' by NHS Digital (by check of DSPT tracker and emails to CAG inbox 08 January 2021)

Reviewed documents

<i>Document</i>	<i>Version</i>	<i>Date</i>
20CAG0155 non-research fully supported outcome final		30 November 2020
CAG amendment form		18 December 2020

Please do not hesitate to contact me if you have any queries following this letter. I would be grateful if you could quote the above reference number in all future correspondence.

Yours sincerely

Caroline Watchurst
Confidentiality Advisor
On behalf of the Secretary of State for Health and Social Care

Email: cag@hra.nhs.uk

Enclosures: Standard conditions of support



Health Research Authority

Standard conditions of support

Support to process confidential patient information without consent, given by the Secretary of State for Health and Social Care, is subject to the following standard conditions of support.

The applicant and those processing the information will ensure that:

1. The specified confidential patient information is only used for the purpose(s) set out in the application.
2. Confidentiality is preserved and there are no disclosures of information in aggregate or patient level form that may inferentially identify a person, nor will any attempt be made to identify individuals, households or organisations in the data.
3. Requirements of the Statistics and Registration Services Act 2007 are adhered to regarding publication when relevant, in addition to other national guidance.
4. All staff with access to confidential patient information have contractual obligations of confidentiality, enforceable through disciplinary procedures.
5. All staff with access to confidential patient information have received appropriate ongoing training to ensure they are aware of their responsibilities.
6. Activities remain consistent with the General Data Protection Regulation and Data Protection Act 2018.
7. Audit of data processing by a designated agent is facilitated and supported.
8. The wishes of patients who have withheld or withdrawn their consent are respected.
9. Any significant changes (for example, people, purpose, data flows, data items, security arrangements) must be supported via formal amendment prior to changes coming into effect.
10. An annual review report is submitted to the CAG every 12 months from the date of the final support letter, for the duration of the support.
11. Any breaches of confidentiality around the supported flows of information should be reported to CAG within 10 working days of the incident, along with remedial actions taken / to be taken. This does not remove the need to follow national/legal requirements for reporting relevant security breaches.