

Ref:

GP Data Check and Challenge Advisory Group

Title:

GP Data Check & Challenge Advisory Group – Terms of Reference

Author:

Programme Governance Lead, GP Data, NHS England

Programme Director, GP Data, NHS England

Approval:

Check & Challenge Advisory Group

Tim Donohoe, SRO, GP Data for Planning and Research, NHS England

Purpose:

To set out the Terms of Reference for the Check & Challenge Advisory Group

Background:

On 19th July 2021, [Ministers wrote to all GPs in England](#) describing changes being made to the General Practice Data for Planning and Research (GPDPR) Programme. Data collection will now only begin when the following criteria have been met:

- the ability to delete data if patients choose to opt-out of sharing their GP data with NHS Digital*, even if this is after their data has been uploaded
- the backlog of opt-outs has been fully cleared
- a Trusted Research Environment has been developed and implemented in NHS Digital*
- patients have been made more aware of the scheme through a campaign of engagement and communication.

In order to support the Programme in the delivery of these criteria, and hence enable the collection to start, a Check and Challenge Advisory Group has been set up.

*Following the merger of NHS Digital with NHS England, this document has been updated to reflect the NHS Digital no longer exists as a separate legal entity. All titles and general reference to NHS Digital have been changed to NHS England, but specific references within the ministerial commitments will be retained until guidance is received from ministers regarding the impact of the merger on the commitments. References to the NHS Digital website will also be retained until the website is updated to reflect the merger as well. Please assume any references to NHS Digital now refer to NHS England.

Key Points:

1. The key purpose of the group is to:
 - To allow the GPDPR programme to hold constructive discussions to validate approaches and options being considered in order to maximise general practice, patient, and public benefit from this work, whilst maintaining visibility across key stakeholder groups
 - To build alignment throughout analysis, design, and delivery with the end-goal of aligning with key stakeholder groups as much as possible that conditions set-out in Letter to GPs by Ministers have been met to allow data collection to proceed
 - Promote improved engagement and communication with key programme stakeholders to ensure a fully transparent approach is being taken against planning and delivery
2. The role of the group is to:
 - play an advisory role on the overall approach, plans and delivery options for GP Data for Planning and Research

GP Data Check & Challenge Advisory Group
31st March 2023 – Updated ToR approved by members

- make sure that group discussions and recommendations are shared across the internal programme teams, being escalated to board level if appropriate, and that feedback on outcomes is provided back to the group (you said we did)
 - represent the views of their own expert views or those of their parent organisations (where relevant) in providing feedback
 - bring together viewpoints from the GP profession and data usage communities (acting in tandem with the patient and public engagement and communications panel)
 - act as a senior advisory panel for questions and possible issues raised through the programme design and solution drafting and review stages, with specific recommendations responded to, through the same process as other formal requests and correspondence to the programme
 - be involved in the early draft stages of documents to provide feedback against potential changes and challenges, and revisit late-stage documents to review decisions and changes made based on early-stage group feedback
 - drive and maximise the effective function of the group by ensuring the agenda, structure, and membership remain under regular review and under the responsibility of all members
3. The group is not a decision-making body for the GDPR programme and acts purely in an advisory role. Input from members will be used to influence and build stakeholder alignment around the forward direction and delivery of the in-scope programmes, however formal acceptance and agreements from members will not be sought

Actions required by the group:

The GP Data Check & Challenge Advisory Group are asked to review, comment upon, and approve the Terms of Reference for the group for initial approval, and on an ongoing basis for major updates, and whether or not they wish their individual names to be published on the NHS Digital* website as group members or not.

Circulation:

GP Data Check & Challenge Advisory Group
Publication on NHS Digital* website (once fully approved)

Date reviewed by group:

27th October 2021 – Initial Approval
1st February 2022 – Updated following review in January 2022
18th February 2022 – Updated to reflect member feedback, and finalised for publication
15th March 2023 – Updated to reflect current ways of working and the NHS merger, and finalised for publication

1 Purpose

This document sets out the Terms of Reference (ToR) for the GP Data Check & Challenge Advisory Group. This document defines the panel's role, membership, and operating model.

As a living document, it is expected that changes may be required as the GDPR programme progress.

The Terms of Reference will be reviewed on a quarterly basis as a minimum, or as triggered by any major changes

2 Background

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3 The Role of the GP Data Check & Challenge Advisory Group

Overall aims and objectives

1. To allow the GPDPR programme to hold constructive discussions to validate approaches and options being considered in order to maximise general practice, patient and public benefit from these initiatives, whilst maintaining visibility and support of key stakeholder groups
2. To build alignment throughout analysis, design, and delivery with the end-goal of aligning with key stakeholder groups as much as possible that conditions set-out in Letter to GPs by Ministers have been met to allow data collection to proceed
3. Promote improved engagement and communication with key stakeholders to ensure a fully transparent approach is being taken against programme planning and delivery

The group will play a vital role in providing expert and professional opinion (and support if/when appropriate) on the overall delivery approach, design and options chosen. It will do this by:

- challenging where the programme approach is thought to be diverging from the commitments and conditions made in the Letter to GPs signed by Ministers, or from additional commitments made
- focusing on an agreed roadmap of programme design/solution documentation to facilitate ongoing and targeted stakeholder input. The rolling roadmap of upcoming reviews will be established at the first meeting and kept updated to provide visibility of a minimum of 2 meetings in advance
- giving counsel to those teams developing the materials where additional content and/or materials are thought necessary
- representing the views of the profession, data usage and wider data community as well as parent organisations (where relevant)
- being confident that the content provided in materials has been through sufficient review and rigour to ensure the content is accurate and responds to concerns and challenges raised during testing, by wider stakeholders and/or this group
- acting as an escalation route into the Programme for questions and possible issues raised through parent organisations or direct from members

The group will review a range of materials from different sources including:

- Programme Implementation Objectives and Approach
- Programme communications and engagement over-arching approach, and specific content/documentation as required
- Information Governance & Legal Roadmap options, and specific IG documentation as required
- GDPR Trusted Research Environment (TRE) approach, design, build, and implementation options and progress updates
- Type 1 retrospective deletion approach, design and delivery options and progress updates
- Type 1 online service approach, design and delivery options and progress updates
- Documentation and approach options on addressing opt-out backlogs and ensure demand management will remain under control

All group members will have authority and responsibility to suggest topics for discussion, changes to group membership, and or any area of improvement. The group structures and processes will be kept under regular review and amended through group consensus to maximise the effective functioning of the group.

4 Membership

The GP Data Check & Challenge Advisory Group represents a number of organisations/areas with knowledge and expertise in Data usage and security, and the GP Profession, including:

- British Medical Association (BMA)
- Royal College of General Practitioners (RCGP)
- Office of the National Data Guardian (NDG)
- Office for National Statistics (ONS)
- Information Commissioners Office (ICO)¹

- Nuffield Department for Primary Care Health Sciences (PHC)
- Academy of Medical Royal Colleges (AoMRC)
- Association of Medical Research Charities (AMRC)
- National Institute for Health Research (NIHR)

In addition to the above members, the panel will be facilitated by NHS England and further invitees from NHS England & Improvement and the Department of Health and Social Care (DHSC) will attend as required to represent the programme, its overarching governance, and wider benefits.

If a panel member from a listed organisation is unable to attend a meeting but they wish to be represented, they may nominate a deputy who is authorised to input on their behalf.

5 Method of Operation

5.1 Meetings

Chair	Chair will be rotated through membership based on members availability and capacity. Rota will be maintained by GP Data Team on behalf of the Check & Challenge members
Quorum	For the GP Data Check & Challenge Advisory Group to convene, the Chair and five other members (or alternative representatives) must be present.
Frequency	Meeting frequency is currently fortnightly; however, meetings may be cancelled where there is a realistic prospect of the group not reaching quorum (such as within holiday periods or where significant events would cause conflict for a large proportion of members) or where there are not sufficient discussion points to require members' time (such as within periods of delivery where member opinion has already been provided) This cadence will be regularly reviewed and amended as required to meet the stated aims of the group.
Format	The meetings will usually be held via MS Teams, there will also be requests for members to review materials offline or out of the regular meetings to ensure meetings can be focussed on feedback and discussion. The Terms of Reference, agendas and short meeting notes will be published on the NHS Digital* website. Any exceptions will be specifically noted and agreed with members during meetings.
Standing Agenda	Apologies Actions review from previous meeting Materials/presentations/agenda items for review Any other business

Governance	The Check & Challenge Group is accountable to the GP Data Programme Team
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5.2 Inputs

The following inputs will be provided to each meeting:

- Action notes from the previous meeting
- Draft materials produced by the programme delivery teams ready for member review and feedback
 - See section 5.5 for further detail
- Papers and other materials for information

If any member is unable to attend a meeting it is expected that any updates relating to outstanding actions are provided in advance of the meeting.

5.3 Escalation Process

Any serious issues or problems are to be reported to the GP Data Programme Director Eva Simmonds and if not resolved to the GP Data for Planning and Research Programme Board, which is chaired by the Programme SRO, Tim Donohoe.

5.4 Outputs and publication of information about the group to include:

- High-level meeting notes and actions arising from the meeting
 - Within these, an update on progress on materials submitted for review
 - Decisions on questions/issues escalated to the Check & Challenge Group
- Any documentation produced at the request of Check & Challenge members

These Terms of Reference, alongside high-level agendas, meeting notes, and any documentation produced as outputs from meetings will be published on the NHS Digital* website.

Outputs of meetings will also be shared with NHS partners and colleagues to inform the planning and delivery for GP Data for Planning and Research programme.

5.5 Ways of Working

- A transparent and open approach will be taken by GP Data teams to build confidence and alignment (Please see section 5.7 for further information on confidentiality and section 5.8 on declaration of interests)
- Papers for each upcoming review will be shared as far as possible in advance to allow stakeholders maximum time for review, with the intention of facilitating constructive and effective discussion during the meetings. Feedback raised during meetings will be input back into the design and delivery of the programme, with Check & Challenge members kept updated on progress
- Check & Challenge will be involved in review of early-stage approach/design/delivery documentation to provide feedback and challenge against potential changes required. This will be used as key input as the final delivery is shaped, and late-stage documentation will be revisited to note

changes driven out of group feedback OR confirm where feedback has not been utilised as well as the rationale behind these decisions

- The documentation for review will be primarily produced by the relevant programme/project teams as part of the workstream or overall programme delivery. In some instances, documentation produced outside of the delivery teams may be presented when it has a large impact on the direction taken by the programme
- Examples of documentation that may be brought to the Check & Challenge for review are as follows:
 - Programme Objectives and high-level delivery approaches to ensure alignment with stakeholder perspectives and historic commitments
 - Over-arching communications strategy documentation and specific comms messaging as required to ensure alignment ahead of formal publication
 - Key programme documentation to enable delivery such as required legal documentation to ensure alignment ahead of formal publication
 - Technical delivery detail and approach documentation to provide clarity on how key objectives will be delivered
- Check & Challenge will be conducted in parallel with further stakeholder groups targeted on patient & public advisory and information governance. Where appropriate, this meeting will be updated on key outputs and discussion topics on these parallel meetings
- Support statements may be sought from specific members², as appropriate, at key points to build into message of full community alignment during delivery and ahead of data collection commencement

5.6 Parallel Stakeholder Groups

The Check & Challenge group will be conducted in parallel to a number of other stakeholder groups covering specific elements of programme design and delivery.

Three further stakeholder groups are currently being maintained in addition to the Check & Challenge Group. These are as follows:

- The GP Data for Planning and Research Programme Board
 - The primary forum for programme progress reporting and escalations as well as aligning delivery with the broader internal portfolio delivery across NHS England & Improvement
 - The programme delivery team will present key documentation for review and ratification following reviews and feedback from all other stakeholder groups
 - Board membership consists of the senior NHS leadership of Technology/Data/Privacy from NHS England, and GDPR Programme leadership
 - The board meets monthly
 - The dedicated ToR for this group will be published alongside this ToR on the NHS Digital* website
- The Patient & Public Engagement & Communications Advisory Panel
 - The primary aim of this panel is to challenge the delivery of the GDPR programme against patient and general public perspectives

- The panel will be asked to review documentation considering the engagement and communications approach and delivery, and will guide the implementation of the overall comms and engagement strategy
- Group membership consists of interested members of the general public and members of specific patient representation groups
- The panel currently meets fortnightly in alignment with the Check & Challenge Group
- The dedicated ToR for this group will be published alongside this ToR on the NHS Digital* website
- The IG Expert Liaison Group
 - The primary aim of this group is to provide specialist technical advice and guidance into the IG and Legal approach and deliverables of the GDPR programme and VTS project
 - The group will be asked to review documentation and approaches covering the legal obligations of the programme such as the DPIA, DPN, EQIA and supporting materials
 - Group membership consists of expert data protection and information groups, regulatory representation, and internal NHS IG & Legal experts
 - The group meets monthly
 - The dedicated ToR for this group will be published alongside this ToR on the NHS Digital* website

As the Check & Challenge Group is designed to review and challenge all elements of the GDPR programme, there will be significant cross-over between the documentation under review at these forums. As such, the interaction between these groups will need to be managed to maximise transparency and alignment.

This will be managed with full oversight and input from Check & Challenge members and members will be asked to review options regarding the approach to stakeholder group alignment as and when required.

Where advice, feedback, or guidance from stakeholder groups directly conflict, the GP Data team will review the feedback and request confirmation from the Programme Board of decisions related to these conflicts. Stakeholder groups will be fully informed of the decisions made and the rationale regarding the decisions prior to any related programme delivery action. Any further challenges beyond this point will be dealt with on an individual basis.

5.7 Confidentiality

We want all members to feel confident that the views they express in the meeting are confidential and will not be shared outside the stated aims of these Terms of Reference by any means, without permission.

- All participants - group members are expected to maintain confidentiality in order to promote honest, frank discussion during group meetings. Comments and views will not be attributed to particular group members, without the prior agreement of that member. This includes any in meeting notes
- Members may be privy to information that is not yet in the public domain

- Members will be informed about what is, and what is not, confidential and asked to maintain absolute confidentiality. Members will be told when previously confidential information is ready to be in the public domain
- Publication of meeting content (as covered in sections 5.1 and 5.4) will be primarily through the NHS Digital* website, but members will be advised on publication locations in advance if this changes

5.8 Declaration of interests

Given the broad range of stakeholders, there may be discussions points or agenda items that crossover with members' interests outside of the scope of this group, which should be clearly communicated and noted.

At the start of each meeting, the Chair will ask group members for Declarations of Interest, in relation to GDPR programme, or any specific item on the agenda. Any interests must be declared and will be recorded and included in the published action notes.

Members of the Panel who have declared an interest will also need to consider any potential or perceived conflict of interest in their contributions to the discussions as a matter of good governance during the meeting and if they feel they are potentially conflicted at any point due to the nature of the discussion, declare this and abstain from the remainder of the discussion.

Given the advisory nature of the Check & Challenge group, the variance of meeting discussion topics and the use of rotating external meeting chairs, NHS England will work alongside the rotating chair to review the planned meeting agenda against declared conflicts of interest in advance of each meeting. In any instances where the chair considers that members are at risk of potential or real conflicts of interest and have not recused themselves from the particular discussion point, the chair will be provided with the authority, alongside NHS England, to formally note this within the public minutes and remind members of their responsibility regarding declarations and conflicts of interests.

This is in alignment with, and adheres to, the NHS England Standards of Business Conduct Policy and it's guidance on managing conflicts of interest. This policy can be accessed in full here: <https://www.england.nhs.uk/publication/standards-of-business-conduct-policy/>

6 Document Notations

¹ The ICO's role is to consider and provide advice on points of data protection law and their engagement will not inhibit them from taking regulatory action in respect of the processing for GDPR or VTS should that be necessary

² Support statements will not be sought where that will impact any member or organisation in their wider roles and responsibilities, or create conflict with their membership of the group