

16 December 2015

ADCS response to the consultation on the role of the National Data Guardian for Health and Social Care

1. The Association of Directors of Children's Services Ltd (ADCS) welcomes the opportunity to provide a response to the consultation on the role of the National Data Guardian for Health and Social Care. ADCS is the professional association for directors of children's services (DCS) and their senior management teams. Under the provisions of the Children Act 2004, the DCS is the chief officer responsible for the discharge of local authority functions with regard to education and children's social care and champion for children across wider children's services.
2. ADCS members feel it is sensible to bring information governance in both adult and children's services in line. This reflects the approach being taken in a significant number of local authorities in terms of organising services, the move towards whole family working and the SEND reforms. This would help to ensure there are fewer barriers to effective information sharing and allow for a common standard of information across all health and social care services and organisations. To support this, the existing Information Governance Toolkit for N3 access is considered good practice and must be adopted on an organisation wide basis.
3. Further clarity is needed regarding the proposed registration and regulation of powers, particularly in relation to the duty to report annually on information governance issues. ADCS members would not be supportive of any new requirements that are time and resource intensive without being fully funded and ultimately delivering greater benefit for children, young people and their families. A careful cost: benefit analysis is needed of these proposals.
4. Further detail is required regarding the proposals to extend the National Data Guardian's remit so ADCS members can fully understand the implications of this. There are obvious links between the National Data Guardian and the work of the Information Commissioners Office. In order to achieve a simple and effective framework for information governance, it would seem sensible to extend the role of the Information Commissioners Office to take an overview of the complete legislative framework in relation to information use and sharing, e.g. the provisions of the 2012 Health and Social Care Act and the 2006 NHS Act.
5. In summary, ADCS members are committed to the principles of good information governance, however the framework for achieving this needs to be considered further to ensure it is effective and delivers the required results without overburdening local authority data teams and creating another layer of regulation in an already complex landscape.
6. ADCS would welcome representatives from the Department of Health to attend a future meeting of the Standards, Performance & Inspection Policy Committee or the Health, Care & Additional Needs Policy Committee to discuss the points raised in this consultation response further.
7. For further information, please contact Esther Kavanagh Dixon, Policy Officer, esther@adcs.org.uk or Katy Block, Policy Officer, Katy.Block@adcs.org.uk.

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