



Department
of Health &
Social Care

National Data Guardian

Information pack for applicants

Closing date: midday on 28th September 2020



Reference no: VAC-1723



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Section 1 – The Role

1.1 Role and Responsibilities of the National Data Guardian

Introduction

Ministers are seeking to appoint the National Data Guardian (NDG).

The health and care system collects and holds valuable data from citizens using its services.

The National Data Guardian (NDG) role was created in November 2014 to be an independent champion for patients and the public on matters of their confidential health and care information. The purpose of the role is to make sure that people's information is kept securely, and that it is shared when appropriate to achieve better outcomes for patients. The NDG does so by offering advice, guidance and encouragement as well as scrutiny to the health and care system.

In December 2018 the Health and Social Care (National Data Guardian) Act 2018 was passed. The law placed the NDG role on a statutory footing and granted it the power to issue official guidance about the processing of health and adult social care data in England. Public bodies such as hospitals, general practices, care homes, planners and commissioners of services have to take note of guidance that is relevant to them, as do organisations such as private companies or charities which are delivering services for the NHS or publicly funded adult social care.

The NDG may also provide more informal advice about, and assistance in relation to, the processing of health and adult social care data in England. Before publishing any guidance, the NDG must consult such persons as the NDG considers appropriate.

The NDG must produce an annual report as soon as reasonably practicable after the end of a financial year and send it to the Secretary of State before the end of the following June.

Personal data is precious to those who give it in confidence when they seek care and this is recognised through the development of the Common Law Duty of Confidence. Its effective use in line with the appropriate privacy protection can improve diagnosis, treatment, the efficiency of the system and overall outcomes for individuals, not least in supporting technology-driven innovations. Success in realising these benefits from health and care data relies on securing and maintaining public trust in how that data is used.

Qualities required for the role of the National Data Guardian

The Department of Health and Social Care values and promotes diversity and encourages applications from all sections of the community. The boards of public bodies should reflect the population they are there to serve. Boards also benefit from fresh perspectives, and we are always keen to encourage candidates with private sector experience to consider applying for our roles.

Essential Criteria

To be considered, you must be able to demonstrate that you have the qualities, skills and experience to meet all the essential criteria for appointment.

This is a high-profile role which would ideally be filled by someone with knowledge of health and social care organisations and the system, the information governance framework within which they operate and in particular the common law duty of confidentiality, how modern information technology can impact on the privacy of individuals, and public attitudes towards the use of health and care data.

The successful candidate must demonstrate the following:

Leadership

- A successful track record of credible and strategic leadership including working with other organisations to deliver results and the ability to challenge systems in health and/or social care when needed.

Technical

- Understanding and experience of the practicalities of the security and use of sensitive data and the evolving technology that underpins it.
- Experience using data to improve organisations and building data sharing within organisations.

Communication

- An ability to demonstrate a strong commitment to the seven principles of public life, and the importance of the well-being of citizens.
- An ability to relate to and influence members of the public and other stakeholders, including government.

Judgement

- Independence and impartiality.
- Ability to identify, evaluate, and manage risk and to build mitigating strategies.

Remuneration

- £45,000 per annum
- Remuneration is taxable, and subject to National Insurance contributions, both of which will be deducted at source under PAYE before you are paid. Remuneration is not pensionable
- You may claim travel and subsistence expenses, which are properly and necessarily incurred in carrying out your role and responsibilities as the National Data Guardian, in line with travel and subsistence policy and rates for the National Data Guardian.

Time commitment

Two to three days per week

Location

London

Tenure of office

Ministers determine that the length of the appointment will be up to 3 years.

Accountability

This National Data Guardian will be appointed by the Secretary of State for Health and Social Care and is accountable to the Secretary of State via a senior Departmental official for carrying out their duties and for their performance.

For further information regarding the role of the National Data Guardian please contact Katy Lindfield:

Tel: 0113 25 46166

Email: katy.lindfield@nhsx.nhs.uk

1.2 National Data Guardian background

The National Data Guardian (NDG) advises and challenges the health and care system to help ensure that citizens' confidential information is safeguarded securely and used properly.

The National Data Guardian (NDG) role was [created in November 2014](#) to be an independent champion for patients and the public when it comes to matters of their confidential health and care information. The purpose of the role is to make sure that people's information is kept safe and confidential, and that it is shared when appropriate to achieve better outcomes for patients. The NDG does so by offering advice, guidance and encouragement to the health and care system.

In December 2018 the [Health and Social Care \(National Data Guardian\) Act 2018](#) was passed. The law placed the NDG role on a statutory footing and granted it the power to issue official guidance about the processing of health and adult social care data in England.

The NDG wants to [build trust in the use of data across health and social care](#) and is guided by these 3 main principles:

- encouraging clinicians and other members of care teams to share information to enable joined-up care, better diagnosis and treatment
- ensuring there are no surprises to the citizen about how their health and care data is being used and that they are given a choice about this
- building a dialogue with the public about how we all wish information to be used, to include a range of voices including commercial companies providing drugs and services to the NHS, researchers discovering new connections that transform treatments, and those managing the services

Although sponsored by the Department of Health and Social Care, the NDG operates independently, representing the interests of patients and the public. The NDG also appoints an independent group of experts – the NDG Panel – to advise and support this work.

There is more information about the backgrounds and experience of NDG Panel members in [NDG Panel biographies](#).

[The UK Caldicott Guardian Council \(UKCGC\)](#) is a sub-group of the National Data Guardian Panel. The chair of the council sits on the NDG Panel.

The council is the national body for Caldicott Guardians, who are responsible for protecting the confidentiality of people's health and care information and making sure it is used properly. All NHS organisations and local authorities that provide social services must have a Caldicott Guardian.

Section 2: How to Apply

2.1 Making an application

Thank you for your interest in the appointment of the National Data Guardian.

To make an application please email your CV, a supporting letter and completed monitoring forms to:

appointments.team@dhsc.gov.uk – please quote **VAC-1723** in the subject field.

Applications must be received by midday on 28th September 2020.

In making an application please note the following:

Supporting letter

The supporting letter is your opportunity to demonstrate how you meet each of the criteria set out in the person specification. It will benefit the Advisory Assessment Panel if you can be clear which specific evidence you provide relates to which criteria. Providing separate paragraphs in relation to each criterion is common practice. Please write all acronyms in full first.

Please ensure your full name, the role to which you are applying and the corresponding reference number for the post are clearly noted at the top of your letter.

Please limit your letter to two pages, and type or write clearly in black ink.

Conflicts of interest

If you have any business or personal interests that might be relevant to the work of National Data Guardian, and which could lead to a real or perceived conflict of interest if you were to be appointed, please provide details in your Supporting letter.

If appointed, you will also be required to declare these interests on appointment and they will be entered on a register which is available to the public.

Standards in public life and ensuring public confidence

Given the nature of public appointments, it is important that those appointed as members of public bodies maintain the confidence of the public and Government. If there are any issues in your personal or professional history (including any convictions or bankruptcy) that could,

if you were appointed, be misconstrued, cause embarrassment to Ministers or ALB or cause public confidence in the appointment to be jeopardised, it is important that you bring them to the attention of the Assessment Panel and provide details of the issue/s in your supporting letter. In considering whether you wish to declare any issues, you should also reflect on any public statements you have made, including through social media and blogs. Due Diligence may be carried out on any publicly available information and shared with the Advisory Assessment Panel.

The panel may explore with you any issues you declare before they make a recommendation on the appointment.

Failure to disclose such information could result in an appointment being terminated, as those who hold public appointments are expected to demonstrate the highest standards of corporate and personal conduct and are required to subscribe to the Code of Conduct for Board Members of Public Bodies, as part of agreeing to the terms and conditions of appointment. You can access this document at:

<https://www.gov.uk/government/publications/board-members-of-public-bodies-code-of-conduct>

There are also circumstances in which individuals may not be considered for appointment, due to them not meeting certain eligibility criteria for appointment. For further information, please refer to **Section 2.3: Eligibility Criteria**

If you wish to discuss any queries on conflicts, please see the contacts section.

CV

Please ensure your CV includes:

- Your full name, title, home address, personal contact telephone numbers (land line and mobile), personal email address and details of any twitter accounts and LinkedIn accounts including your twitter handle/username.
- Similar contact details for two referees who will support your application. One referee should be the person to whom you are/were accountable in your current/most recent appointment or position of employment. Please indicate the relationship of each referee to you. References will be requested for short-listed candidates prior to interview
- Brief details of your current or most recent post and the dates you occupied this role. Please identify any past or present Ministerial appointments.

The appointment of the National Data Guardian will be subjected to a pre-appointment hearing with the Health and Social Care Select Committee. **For further details see Section 2.2. Please be aware that the CV of the Secretary of State's preferred candidate for appointment, with personal details removed, will be sent to the Health and Social Care Select Committee.**

Monitoring form

Please complete the monitoring form. Diversity monitoring information will not be seen by the Advisory Assessment Panel assessing your application.

Political activity information is primarily for monitoring purposes only, however if you are shortlisted for interview, this information will be shared with the selection panel. The reason for this is that it is appreciated that such activities may have given you relevant skills, including experience gained from committee work, collective decision-making, resolving conflict and public speaking. If you have had such experience and you consider it relevant to your application for this post, you should also take the opportunity to include it separately in your supporting statement. If possible, you should not, however, identify the relevant political party in your statement.

If you are appointed to this role, please note that any political activity you declare will be published in accordance with the Governance Code on Public Appointments.

Guaranteed Interview Scheme

The Department of Health and Social Care operates a Guaranteed Interview Scheme (GIS) for disabled people. The Equality Act 2010 defines a person as disabled if they have a physical or mental impairment and the impairment has a substantial and long-term adverse effect on their ability to carry out normal day to day activities. Under the GIS a disabled candidate will be selected for interview if they meet the essential criteria for the post.

If you wish to apply under the GIS please complete the GIS form and return it with your application.

All applications will be acknowledged by email after the closing date.

For further information regarding the selection process, please contact

Daniel Clemence
Appointments Team

Tel: 0113254 5335

Email: Daniel.Clemence@dhsc.gov.uk

For further information regarding the role of National Data Guardian and the role of please contact Katy Lindfield:

Tel: 0113 25 46166

Email: katy.lindfield@nhsx.nhs.uk

Please quote reference VAC-1723 on all correspondence.

If you choose to apply, we would like to thank you in advance for your time and effort in making an application.

2.2 The Selection Process

The Appointments Team will deal with your application as quickly as possible and will advise you of the likely timetable at each stage.

Timetable:

- Closing date: Midday on 28th September 2020
- Shortlisting complete: 16th October 2020
- Interviews held: November 2020 (TBC)
- Health and Social Care Select Committee Hearing: November/December

The selection panel will be:

- Matthew Gould – Chief Executive of NHSX – Panel Chair
- Simon Madden –Director of Policy and Strategy, NHSX. Panel Member
- Elizabeth Watkins – Senior Independent Panel Member

The Senior Independent Panel Member is independent of both the Department of Health and Social Care and National Data Guardian.

The Governance Code on Public Appointments requires all Advisory Assessment Panel members to declare any political activity within the last five years.

After the closing date for applications:

- The Department of Health and Social Care may commission a pre-assessment of candidate applications which would then be provided to the Panel for consideration and to inform the shortlisting process. By applying, you are agreeing to your application being shared with another party for pre-assessment. The pre-assessor and the panel are reliant on the information you provide in your CV and supporting letter to assess whether you have the skills and experience required. Please ensure that you provide evidence to support how you meet all the essential criteria. It is the responsibility of the panel to determine who it believes best meet the criteria for the role, and who will be invited to interview
- Interviews will be held November 2020. Date to be confirmed.

- The Advisory Assessment Panel will select for interview only the strongest applicants who it feels have demonstrated that they best meet the criteria set out in the person specification. However, if you have applied under the GIS and you meet all the essential criteria, then you will also be invited for interview
- If you are invited to interview and if you are unable to attend on the set date, then an alternative date can only be offered at the discretion of the Advisory Assessment Panel
- The Appointments Team will email to let you know whether you have been invited to be interviewed. It is our intention that interviews will take place either via video conferencing or in a central London location
- If invited to interview, the Advisory Assessment Panel may invite you to make a brief presentation at the start of the interview and will go on to question you about your skills and experience, including asking specific questions to assess whether you meet the criteria set out for the post
- The Advisory Assessment Panel will also explore with candidates any potential conflicts of interest or any other issues arising from candidate's personal and professional history which may impact on an appointment decision (see section 2.1 for further details).
- Candidates who the panel believe are 'appointable', will be recommended to Ministers who will make the final decision. Ministers may choose to meet with shortlisted candidates, before or after interview, before making a decision. Candidates should therefore be prepared for a short time gap between interview and a final appointment decision being made. Candidates who have been interviewed will be kept informed of progress.
- If you are successful, you will receive a letter from the Senior Responsible Officer appointing you as the National Data Guardian, which will confirm the terms on which the appointment is offered
- **please note that due to the volume of applications that are received it is not possible to routinely provide feedback to those not shortlisted for interview**
- if you apply under the GIS scheme and you are not shortlisted for interview, we can provide a summary of the assessment of your written application, if you choose to request feedback
- If you are unsuccessful at interview, you will be notified by the Appointments Team. We appreciate it takes a lot of time and effort to apply for roles, and prepare for and attend an interview, and that feedback is a valuable part of the process. Following interviews, the letter which confirms the outcome of the appointment process will provide the details of who you may approach for feedback on your interview and application, if you so wish

- For further information on how we will manage the personal information that you have provided to us through your application, see **Section 2.4**

Pre-appointment scrutiny

This role is subject to pre-appointment scrutiny by the Health and Social Care Select committee.

Pre-appointment scrutiny is an important part of the appointment process for some of the most significant public appointments made by Ministers. It is designed to provide an added level of scrutiny to verify that the recruitment meets the principles set out in the Governance Code on Public Appointments.

The pre-appointment scrutiny aspect of the appointment has two parts.

First, information concerning the appointment and the Minister's preferred candidate will be shared with the relevant select committee. As part of this process you will need to be content for your name and your CV to be shared with the Select Committee as the Government's preferred candidate. You may also be required to complete a pre-appointment hearing questionnaire which could include, among other things:

- declarations of any relevant potential conflicts of interest,
- what you see as the priorities and key risks for the organisation,
- questions about how you would lead the board and work with stakeholders,
- your commitment to standards in public life and how you would handle being in the public eye.

Normally any information provided to the select committee by the Government or a candidate will be published.

Second, it is likely that the select committee will decide to call the Government's preferred candidate to a public hearing before the select committee to answer questions relating to their suitability to the role. You would not be expected to have an in-depth technical knowledge of how the body works or an exact plan of what you would do in the role, however you will be expected to provide a credible representation of your understanding of the work of the body and what your role in its future would be.

The proposed date for a pre-appointment hearing for this role is to be confirmed but is likely to be in November/December.

The Government is committed to making the public appointments as accessible as possible so that no one is deterred from applying. The Department will provide support to you to help you prepare for the hearing and the clerks to the select committee will also be available to discuss with you how the hearing will run. You will also be supported by the Department in working with the select committee should you require any adjustment to enable you to participate fully in the hearing process.

For more information about pre-appointment scrutiny, please see the [‘Cabinet Office Guidance: Pre-appointment scrutiny by House of Commons Select Committees’](#).

The Liaison Committee also publishes [guidelines](#) to select committees for pre-appointment.

You may also find it helpful to review the Code of Conduct for board members of public bodies here: <https://www.gov.uk/government/publications/board-members-of-public-bodies-code-of-conduct> which sets out the expectations which the Government places on non-executive members of public bodies.

Queries

For queries about your application, please contact Daniel Clemence on 0113 254 5335 / Daniel.Clemence@dhsc.gov.uk

Standards in public life

You will be expected to demonstrate high standards of corporate and personal conduct. All successful candidates will be asked to subscribe to the Code of Conduct for Board Members of Public Bodies, you can access this document at: <https://www.gov.uk/government/publications/board-members-of-public-bodies-code-of-conduct>

Diversity and equality of opportunity

The Department of Health and Social Care values and promotes diversity and encourage applications from all sections of the community.

Public Appointments

The Governance Code on Public Appointments, published by the Cabinet Office, sets out the principles that should underpin all public appointments. The Governance Code can be found at <https://www.gov.uk/government/publications/governance-code-for-public-appointments>

The Commissioner for Public Appointments

The regulation of public appointments against the requirements of the Governance Code is carried out by the Commissioner for Public Appointments. The Commissioner provides independent assurance that public appointments are made in accordance with the principles set out in the Code. The Commissioner is appointed by the Queen and is independent of the Government and the Civil Service. Further about the role of the Commissioner is available from <http://publicappointmentscommissioner.independent.gov.uk>

If you are not completely satisfied

The Department of Health and Social Care will aim to process all applications as quickly as possible and to treat all applicants with courtesy. If you have any complaints about the way your application has been handled, please contact Julia Peters in the Department of Health and Social Care by emailing Steve.Howell@dhsc.gov.uk

If after receiving a comprehensive response from the Department you are still concerned, you can write to the Commissioner for Public Appointments. Please contact:

The Commissioner for Public Appointments
1 Horse Guards Road
London SW1A 2HQ
Tel: 0207 271 8938
Email: publicappointments@csc.gov.uk

2.3 Eligibility Criteria

Eligibility criteria

There are circumstances in which an individual may not be considered for appointment. They include:

1. persons who have received a prison sentence or suspended sentence of 3 months or more in the last 5 years
2. persons who are the subject of a bankruptcy restrictions order or interim order, or a debt relief order or interim debt relief order under Schedule 4ZB to the Insolvency Act 1986
3. persons who have had an earlier term of appointment with a health service body terminated on the grounds:
 - that it was not conducive to the interests or good management of the body that the person should continue to hold office
 - that the person failed to attend a meeting of the body on three consecutive occasions
 - that the person failed to declare a pecuniary interest or withdraw from consideration of a matter in respect of which the person had a pecuniary interest
 - of misconduct or failure to carry out the person's duties
4. anyone who is under a disqualification order under the Company Directors Disqualification Act 1986; or
5. anyone who has been removed from trusteeship of a charity.

Further advice about the Eligibility Criteria can be provided by contacting Daniel Clemence on 0113 254 6769 / Daniel.Clemence@dhsc.gov.uk

2.4 How we will manage your personal information

Your personal information will be held in accordance with the General Data Protection Regulation. You will not receive unsolicited paper or electronic mail because of sending the Department of Health and Social Care any personal information. No personal information will be passed on to third parties for commercial purposes.

When we ask you for personal information, we promise we will:

- Only ask for what we need, and not collect too much or irrelevant information
- Ensure you know why we need it
- Protect it and insofar as is possible, make sure nobody has access to it who shouldn't
- Ensure you know what choice you have about giving us information
- Make sure we don't keep it longer than necessary
- Only use your information for the purposes you have authorised

We ask that you:

- Provide us with accurate information
- Inform us as soon as possible of any changes or if you notice mistakes in the information we hold about you

If you apply for a post, we will share some of the information you provide with the members of the selection panel for the post to which you are applying, so that your CV and supporting letter can be assessed.

The diversity information you provide will not be used in the selection process and will therefore not be shared with the Advisory Assessment Panel assessing your application at any stage. However, panels may review the political activity response at the interview stage. This in no way acts as a bar to appointment. Further information on this is provided in the attached Monitoring form.

The Commissioner for Public Appointments regulates and monitors appointments to public bodies to ensure procedures are fair. The Department of Health and Social Care is required by the Commissioner for Public Appointments to retain information about the people who apply for public appointments within his remit and make this information available to him for audit purposes, if requested to do so. Information you provide in your application may therefore be made available to the Commissioner for Public Appointments and the

Commissioner's auditors on a confidential basis to help fulfil either the Commissioner's formal complaints investigation role or for audit purposes.

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