Welsh Government

Consultation – summary of response

Records Management Code of Practice for Health and Social Care 2016

July 2017

Contents

Introduction

In July 2016, the Information Governance Alliance (IGA) published a newly updated version of the Records Management Code of Practice for Health and Social Care.

A consultation seeking views on the content of the Code and future implementation of the Code in Wales opened on 17 November 2016 and closed on 9 February 2017.

The consultation was published on the Welsh Government website at: https://consultations.gov.wales/consultations/records-management-code-practice-health-and-social-care-2016

This document summarises the responses received to this consultation and lays out the next steps to be taken.

In total, 13 responses were received and a list of respondents is attached at Annex A. A summary of responses can be found starting on page 3 of this document.

Background

At the end of 2014, the IGA was asked by the Department of Health to lead a review of the NHS Record Management Code of Practice. The Code was last reviewed in 2006, with Wales having an input to the review. Further minor updates were issued in 2009.

A newly updated version of the Code was published in England in July 2016.

This Code is a guide to be used in relation to the practice of managing records and is relevant to organisations who work within, or under contract to NHS organisations in England and Wales.

The Code is based on current legal requirements and professional best practice. It will help organisations to implement the recommendations of the Mid Staffordshire NHS Foundation Trust Public Inquiry relating to records management and transparency.

This Code of Practice replaces the previous guidance listed below:
- Records Management: NHS Code of Practice: Parts 1 and 2: 2006, revised 2009
- HSC 1999/053 – For the Record
- HSC 1998/217 – Preservation, Retention and Destruction of GP General Medical Services Records Relating to Patients (Replacement for FHSL (94)(30))
- HSC 1998/153 – Using Electronic Patient Records in Hospitals: Legal Requirements and Good Practice.

The Code forms part of a series of information governance guidance including the DH published Confidentiality: NHS Code of Practice and the Information Security Management: NHS Code of Practice.

Responses to the Consultation Questions

Q1 – Is the purpose of the code clear?

	Agree	Tend to agree	Tend to disagree	Disagree	Not ticked
Total	5	2	3	0	3

Summary

Of those that registered a view, the majority of respondents agreed with the proposed approach. 70% either agreed or tended to agree with the proposal. 30% tended to disagree and no respondents disagreed.

The respondents who recorded 'tend to disagree' commented that the Code, even though intended to cover health and social care, had a focus on health with little or no consideration of social care. One respondent who did not tick one of the responses also agreed with this in their comments.

Q2 – Does the content of the code cover the expected areas of Records Management specialities within health and social care?

	Agree	Tend to agree	Tend to disagree	Disagree	Not ticked
Total	5	2	2	1	3

Of those that registered a view, the majority of respondents agreed with the proposed approach. 70% either agreed or tended to agree with the proposal, with the remaining 30% recording tend to disagree or disagree.

The comments from respondents included:
- The document should be updated to reflect NHS Wales rather than being England focussed
- There needs to be more reference to social care
- GDPR should be referenced
- There is no reference to shared records i.e. WCCIS

Q3 – Does the code improve on previous guidance produced by Welsh Government (WHC (2000) 71) or Service guidance such as the Caldicott Guardians manual for Wales?

	Agree	Tend to agree	Tend to disagree	Disagree	Not ticked
Total	3	2	2	0	6

Of those that registered a view, the majority of respondents agreed with the proposed approach. 71% either agreed or tended to agree with the proposal, with the remaining 29% recording tend to disagree or disagree. More than half of respondents did not tick an option but did provide some comments.

Respondents noted that there was again little or no reference to social care.

Most respondents noted the need for further guidance.

Q4a – Does the Code support organisations with better defining their retention and destruction requirements for both paper and electronic records?

	Yes	No	Not answered / just comment provided
Total	5	3	5

Generally, the majority of respondents were happy that the Code provided support for organisations.

Respondents noted that the Code does not support local authorities and their management of social care records.

Some respondents gave helpful suggestions on where this could be improved.

Q4b – Does the Code contradict current organisational policy and impact on current business processes?

	Yes	No	Not answered / just comment provided
Total	2	4	7

Of those that registered a view, the majority of respondents felt that the Code did not contradict current organisational policy and/or impact on current business processes.

Respondents noted the different retention periods for social care records and that these had not been considered in the Code. They also noted disparity between local policy and the Code.

Respondents noted some terminology errors in the Code and some issues around retention periods.

Q5 – We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

The comments from respondents included:

- Terminology in the Code is different to that in the retention and disposal schedule.
- Should a version of the Code that is more applicable to Wales be developed, rather than adopting the England version?
- Social Care is currently not in scope in this document. Will it be developed for NHS Wales only?
- Further clarity is needed on the retention of some record subsets.
- How will the GDPR be reflected?
- The Code needs to be specific to NHS Wales, with no references to NHS England guidance, organisations, law or arrangements, unless also relevant in Wales.

- It would be helpful for the Code to cover requirements on organisations to report breaches of data protection.
- It would be helpful for the Code to demonstrate the benefits of sharing data for the person (at the centre of care) and then follow with some of the risks that need to be considered.

Q6 – We would like to know your views on the effects that the Records Management Code of Practice for Health and Social Care would have on the Welsh language.

The comments from respondents included:

- The document should reference the Welsh language e.g. a section on the importance of identifying a patient's language choice within records.
- The Code should be clear regarding the protocol for patient records being kept in English or Welsh.
- The Code should be published bilingually and should include a section on the requirements of the Welsh Language Act.
- Recording language need should be included in Table 1 – AoMRC medical record keeping standards.

Q7 – Please also explain how you believe the Code can be formulated or changed so as to have
  i. **Positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and**
  ii. **No adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language**

The comments from respondents included:

- Page 9, Table 1 – AoMRC medical record keeping standards should include that all records must be written in English to ensure patient safety. The records can be translated into Welsh if requested by the patient.
- Page 18, Table 3 – Metadata elements should have language as a mandatory element.
- Page 31 – family records and Page 35 – staff records. These should record language needs.
- The Code needs to be clear around protocol for patient records being kept in Welsh or English.

Next Steps

While the responses to the consultation were generally supportive of the Code, several issues have also been raised, the largest of which being that the Code is not reflective of social care.

Welsh Government plan to issue a Welsh Health Circular which will provide information to health boards and trusts on implementation of the Code in Wales. This circular will take into consideration the comments and suggestions made by respondents.

Annex A – List of responses

No	Confidential	Name	Organisation
1	N	Helen Thomas	Information Commissioner's Office
2	N	Claire Parsons	Cwm Taf Health Board
3	N	Crash Wigley	Stonewall Cymru
4	N	Cynthia Henderson	Aneurin Bevan Health Board
5	N	Helen Dolman	Powys Teaching Health Board
6	N	Jane Fenton-May	Royal College of Practitioners (Wales)
7	N	Joanne Jones	Caerphilly County Borough Council
8	N	Heather Giles	Welsh Government
9	N	Karen Richardson	Hywel Dda Health Board
10	N	Lisa Turnball	Royal College of Nursing
11	N	Nicola Phillips	NHS Wales Shared Services Partnership
12	Y		
13	N	Wendy Hardman	Betsi Cadwaladr University Health Board